Legislative Assembly of Alberta

The 22nd Legislature
Third Session

Select Special Committee
on
Constitutional Reform

Subcommittee B

Transcript of Public Hearings

Volume I

May 24 to June 1, 1991

Legislative Assembly of Alberta

The 22nd Legislature

Third Session

Select Special Committee on Constitutional Reform

Subcommittee A

Horsman, Hon. James D., Medicine Hat (PC), Chairman

Ady, Mr. Jack W., Cardston (PC)
Barrett, Ms Pam, Edmonton-Highlands (ND)
Bradley, Mr. Frederick D., Pincher Creek-Crowsnest (PC)
Gagnon, Mrs. Yolande, Calgary-McKnight (L)
Hawkesworth, Mr. Robert, Calgary-Mountain View (ND)
Rostad, Hon. Ken, Camrose (PC)
Severtson, Mr. Gary N., Innisfail (PC)

Support Staff

Committee Secretary:	Garry Pocock
Communications:	Bill Gajda/Charlotte Moran
Administrative Assistant:	Louise Kamuchik

Subcommittee B

Schumacher, Mr. Stan, Drumheller (PC), Deputy Chairman

Anderson, Hon. Dennis, Calgary-Currie (PC)
Betkowski, Hon. Nancy J., Edmonton-Glenora (PC)
Calahasen, Ms Pearl, Lesser Slave Lake (PC)
Chivers, Mr. Barrie, Edmonton-Strathcona (ND)
Chumir, Mr. Sheldon, Calgary-Buffalo (L)
Day, Mr. Stockwell B., Red Deer-North (PC)
McInnis, Mr. John, Edmonton-Jasper Place (ND)

Support Staff

Administrator:	John McDonough
Senior Analyst:	Bruce Tait
Communications:	Judith Parr
Administrative Assistant:	Corinne Skura

Transcript produced by *Alberta Hansard*

92-02954/

Select Special Committee on Constitutional Reform

Subcommittee B

CONTENTS

Public Hearings Directory

  Locations iii
  Presenters . . . . v-viii
  Organizations ix

Public Hearings Directory

Locations

Calgary

May 24, 1991 1-41
May 25, 1991 43-95

Edmonton

May 31, 1991 301-45
June 1, 1991 347-402

Fort McMurray

May 27, 1991 97-152

Grande Prairie

May 28, 1991 153-206

Hinton

May 29, 1991 207-48

Red Deer

May 30, 1991 249-99

Public Hearings Directory

Presenters

Adeoshun, Mr. Joshua	21-22
Almdal, Mr. Bill – Fort McMurray Progressive Conservative Constituency Association	138, 140-41
Anger, Mr. Gavin	30-32
Arès, Mr. Georges – Association canadienne-française de l'Alberta	305-06
Arnal, Mr. Marc – Edmonton Multicultural Society	377-80
Arseneau, Ms Claire	398
Aubry, Mr. Peter	34-35,41
Auriat, Mr. Aime	230-35
Avery, Mr. Arthur	143
Babcock, Mr. Craig	246-48
Balderston, Mr. Gilbert	191-92
Barkan, Mr. Heinz – Calgary South Citizens Committee	19-21
Barrett, Mr. Doug	330-34
Bateman, Mr. Tom – Citizens for Public Justice	47-50
Baugh, Mr. David J.	264-66
Baxter, Mrs. Barbara	58-61
Beaton, Mr. Mike	14-16
Beauchamp, Mr. Gerry – Alberta Council on Aging	295
Bebensee, Ms Jane	207-12
Becker, Ms Betty	384-86
Benoit, Mr. Gord	143-47
Bercuson, Dr. David	5-11
Berube, Mrs. Cathy – Falher consolidated school district	185
Biswanger, Mr. Denis	28-30
Blanchard, Mr. Ray	91
Boles, Mr. George	257-59
Breadner, Mr. Barry	386-87
Buck, Mr. David – Fairview citizens group	164-67
Buck, Mrs. Marie	163-64
Bulkowski, Mr. Peter	94
Butti, Mrs. Olivia – Edmonton Real Estate Board	370
Cameron, Mr. Bob	148-50
Campbell, Mr. Don – Alberta Council on Aging	295
Campbell, Mr. Allan	150-51
Cavanaugh, Mr. Mark	172-74
Chalifoux, Mr. Jeff	176-78
Charlet, Mr. Ron – Royal Canadian Legion	104-10
Chester, Mrs. Sheila	82-84
Chidlaw, Mr. Darren	241-46
Chipeur, Mr. Jerry – Alberta Conference of the Seventh-Day Adventist Church	277-80
Clancy, Mrs. Dorothy	268-69
Clark, Mr. Gib	40
Collicott, Mrs. Betty	116-23
Collier, Mr. Richard	37-38
Conrad, Mr. Norman – Green Party of Canada	61-63
Cooper, Dr. Barry	6-10
Cooper, Mr. David	39
Corser, Mr. Craig	219-23
Cotton, Mr. Ian	97-103
Coulter, Mr. Jim	212-15
Croken, Mr. John A. – Grande Prairie Catholic school district No. 28	200-01
Currie, Mr. John – Calgary Chamber of Commerce	22-24
Daniels, Mr. Kelly – City of Grande Prairie	171
Daniels, Ms Jo-Ann – Women of the Métis Nation	396-98
Dean, Mr. Ross	37
Deboer, Mr. Rudy	292-94
Dennis, Mr. A. Herbert	352-54
Desrosiers, Mr. Bernie	187-91
Docherty, Mr. Joe – Red Deer Catholic board of education	291-92
Dodds, Mr. Bob	133-37
Donald, Mr. Darcy – Alberta Real Estate Association	160-63
Douglas, Mr. Vic – Red Deer-North Progressive Conservative Association	291
Duncan, Ms Margaret – Alberta Association of Social Workers	365-67
Elman, Mr. Bruce – Canadian Jewish Congress, Alberta Region	303-04
Elton, Dr. David – Canada West Foundation	43-47

Public Hearings Directory

Presenters

Evans, Ms Iris – County of Strathcona	373-75
Evely, Mr. Myles	341-42
Ferguson, Mrs. Jean	3-5
Finn, Mr. Frank	35-36
Fitch, Mrs. Margaret	93-94
Forgay, Mr. Warren	281-83
Gall, Mr. Jerry – Canadian Jewish Congress, Alberta region	301-04
Gereluk, Mr. Winston – Alberta Federation of Labour	387-89
Ginter, Mr. John – RCMP Veterans' Association	298
Giovanetti, Dr. Phyllis – Alberta Association of Registered Nurses	314-16
Gogal, Mr. Barry – Edmonton Real Estate Board	367-71
Gopher, Mr. Howard	275-76
Gordon, Ms Marie	350-52
Gramaglia, Mr. Salvatore	297-98
Grantham, Mr. Ron	310-12
Graves, Mr. Frank	156-58
Gray, Mr. Lee	86-88
Greckol, Ms Sheila	347-50
Grenier, Miss Antoinette	342-43
Gretz, Mr. Warner	390-91
Grizans, Mr. P.J.	89-91
Haak, Mr. Paul	203
Hachey, Mr. Gerry – Falher consolidated school district No. 69	183-87
Haines, Mrs. Christine – Alberta Federation of Women United for Families	328-30
Hainsworth, Mr. Jim – Alberta Freedom League	263-64
Hall, Miss Elizabeth	398-99
Hanisch, Mr. Fred	67-69,95
Hansen, Mrs. Laura	273-74
Haston, Mr. Jack	92-93
Hawrelak, Mr. John Morris	395-96
Herbert, Mrs. Margot – Alberta Association of Social Workers	364-67
Hermansen, Mr. Michael	380-82
Hoag, Mr. Bill	167-69
Horne, Miss Natalie	336-37
Hoskin, Ms Pauline – Alberta Association of Registered Nurses, Centre District Political Action Committee	249-52
Howarth, Ms Marion – City of Grande Prairie	169-72
Howatt, Ms Lauraine	179-81
Hurst, Mr. Lorne	399-401
Hycha, Ms Dennie – Alberta Association of Registered Nurses, Centre District Political Action Committee	250-51
Jean, Mrs. Frances	110-13
Johnson, Mrs. Mary	113-15
Kahn, Mr. Stephen	24-28,41
Kaiser-Putzenberger, Mrs. Linda – United Food and Commercial Workers Union, local 1118	269-72
Kan, Ms Marilyn	225-30
Kay, Mrs. Pauline	40
Kelly, Mrs. Eleanor	266-67
Khehra, Mr. Charan	362-64
Killick, Mr. Jim – Easter Seal Ability Council	327
Knebel, Mr. John – Edmonton Chamber of Commerce	359-62
Korogonas, Miss Eleni	241-45
Kosowan, Mr. James	322-25
Kostuch, Dr. Martha	296
Kure, Mr. Elmer	274-75
Laatsch, Mr. Keith	88-89
Labrie, Mr. Maurice – Jesus, Mary and St. Anne Abortion Atonement Society	84-86
Lavers, Ms Alyson – Edmonton Social Planning Council	393-95
Law, Mr. Danny – Fort McMurray Roman Catholic separate school district No. 32	131-33
Layton, Mr. Randy – Assembly of Aboriginal People of Alberta	197-200
Leibovitz, Dr. Clement	357-59
Levasseur-Ouimet, Dr. France – Association canadienne-française de l'Alberta	304-07
Lipka, Ms Sandy – County of Strathcona	373-75
Locke, Mrs. Jeanne	254-57
Loimand, Mr. Jan	151-52
MacIsaac, Mr. Sean	38-39

Public Hearings Directory

Presenters

Malaison, Mr. Gilles 341-43
Mallory, Mr. Clive – Riverside Exchange 54-56
Marceau, Mrs. Carol – Alberta Catholic School Trustees' Association 312-13
McCallum, Mr. Robert (Bob) 63-65
McKinney, Mr. Kevin J. – Alberta Catholic School Trustees' Association 313-14
McNab, Mr. Dave – Fort McMurray Progressive Conservative Constituency Association 137-42
McNally, Mr. Bill 69-71
Meakes, Mr. Dan – Fort McMurray public school board 123-29
Meilleur, Mr. Ronald 272-73
Merry, Mr. Richard 339-40
Mertick, Ms Elva – Alberta Advisory Council on Women's Issues 307-10
Meyer, Mr. Jack 92
Moore, Mrs. Sharon 71-74
Moore, Mr. Thomas 71-74
Moore, Mr. Jerry 294-95
Mulhull, Mr. Vic – RCMP Veterans' Association 298-99
Murray, Mr. Robert (Bob) 36-37
Neary, Mr. Thomas 153-56
Nelson, Mrs. Joan 289-90
Nobbs, Mr. Bill 169
Noga, Mr. Ivo 178-79
Overdeyest, Mr. Vernon 32-33
Pahl, Mr. Milt 343-45
Palmer, Mr. Harry – Canada Ensemble 50-52
Partington, Mrs. Lucille 158-60
Pei, Mr. Charles 391-93
Petrone, Miss Cindy 237-39
Phair, Mr. Michael – Edmonton Social Planning Council 394-95
Pitts, Mrs. Shannon 1-3
Puderbach, Miss Tanya 237-40
Putnam, Mr. Larry 354-57
Randall, Mr. Dick – Alberta Freedom League 261-64
Read, Ms Carol – Canadian Union of Postal Workers, Edmonton local 334-36
Reid, Mr. Mike 36
Rooks, Mr. Shawn 237,239-41
Rose, Mr. Alex 285-87
Ross, Mr. Campbell – Canadian Parents for French (Grande Prairie chapter) 201-03
Roycraft, Mr. Tom 215-19
Rudiak, Mr. Chad 147-48
Rundell, Mr. Art 147
Sawyer, Mrs. Suzanne – Francophone citizens group 94
Saxton, Mr. Geoffrey 337-39
Schneiderman, Mr. David – Centre for Constitutional Studies 320-22
Scott , McAlpine, Mr. 192-97
Sekhon, Mr. Raj 32
Sheppard, Mr. Neil 283-85
Sherwood, Ms Jennifer – Alberta Association of Registered Nurses 314-16
Shiuji, Mr. Adil 389-90
Shreenan, Miss Eunice 205-06
Simpson, Mr. John 203-05
Small, Mr. James 273
Smith, Mr. Shannon 252-54
Staszkiewicz, Mrs. Holdina 401
Stickney, Ms Olive 174-76
Stuart, Mr. Bill – United Mine Workers of America, district 18 56-58
Taylor-Browne, Dr. Karen – Council of Canadians (Calgary chapter) 52-54
Thatcher, Mr. George 288-89
Thomas, Mr. David 79-82
Thompson, Mr. Austin 91-92
Tilleman, Mr. Bill 74-76
Topott, Mrs. Simone 223-25
Trenchard, Mr. Warren – Canadian Union College 259-61
Truckey, Mr. Clarence – Westlock constitutional study group 382-84
Tullikopf, Mrs. Joan 257-59
Tweddle, Ms Ann – Alberta Advisory Council on Women's Issues 309-10
Venner, Mr. Shane 375-77

Public Hearings Directory

Presenters

Walker, Mrs. Eileen 39-41
Waluga, Miss Magdalena 241-46
Weir, Mr. Neil – Sherwood Park citizens group 317-20
West, Mr. Martin 16-17
Westbury, Mr. Richard 76-79
Westin, Mr. Robin 11-14
Yeomans, Ms Derryn 296-97
Young, Mr. Hu – Easter Seal Ability Council 325-27

Public Hearings Directory

Organizations

Alberta Advisory Council on Women's Issues 307-10
Alberta Association of Registered Nurses 314-16
Alberta Association of Registered Nurses,
  Centre District Political Action Committee 249-52
Alberta Association of Social Workers 364-67
Alberta Catholic School Trustees' Association 312-14
Alberta Conference of the Seventh-Day Adventist Church 277-80
Alberta Council on Aging 295
Alberta Federation of Labour 269-72,387-89
Alberta Federation of Women United for Families 328-30
Alberta Freedom League 261-64
Alberta Real Estate Association 160-63
Assembly of Aboriginal People of Alberta 197-200
Association canadienne-française de l'Alberta 304-07
Calgary Chamber of Commerce 22-24
Calgary South Citizens Committee 19-21
Canada Ensemble 50-52
Canada West Foundation 43-47
Canadian Jewish Congress, Alberta region 301-04
Canadian Parents for French (Grande Prairie chapter) 201-03
Canadian Union College 259-61
Canadian Union of Postal Workers, Edmonton local 334-36
Centre for Constitutional Studies 320-22
Citizens for Public Justice 47-50
City of Grande Prairie 169-172
Council of Canadians (Calgary chapter) 52-54
County of Strathcona 373-75
Easter Seal Ability Council 325-27
Edmonton Chamber of Commerce 359-62
Edmonton Multicultural Society 377-80
Edmonton Social Planning Council 394-95
Edmonton Real Estate Board 367-71
Falher consolidated school district No. 69 183-87
Fairview citizens group 164-67
Fort McMurray Progressive Conservative Constituency Association 137-142
Fort McMurray public school board 123-29
Fort McMurray Roman Catholic separate school district No. 32 131-33
Francophone citizens group 94
Grande Prairie Catholic school district No. 28 200-01
Green Party of Canada 61-63
Jesus, Mary and St. Anne Abortion Atonement Society 84-86
Red Deer Catholic board of education 291-92
Red Deer-North Progressive Conservative Association 291
Riverside Exchange 54-56
Royal Canadian Legion 104-10
RCMP Veterans' Association 298-99
Sherwood Park citizens group 317-20
United Food and Commercial Workers Union, local 1118 269-72
United Mine Workers of America, district 18 56-58
Westlock constitutional study group 382-84
Women of the Métis Nation 396-98

4:02 p.m. Friday, May 24, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Well, it is past 4 o'clock, and I would like to welcome everybody to the first meeting of the special select committee of the Alberta Legislature on the Constitution. This is committee B. Committee A is presently holding hearings in the city of Edmonton. In order to cover as many spots in the province in the forthcoming week, the committee did divide into two halves, and we are fortunate enough to be in the city of Calgary today.

My name is Stan Schumacher. I'm vice-chairman of the committee which is chaired by the Hon. Jim Horsman, who is in Edmonton. With me today is the Hon. Nancy Betkowski, Minister of Health and MLA for Edmonton-Glenora, to my right. On my left is the Hon. Dennis Anderson, Minister of Consumer and Corporate Affairs and MLA for Calgary-Currie. On my farther right is the MLA for Red Deer-North, Stockwell Day, and on his right the MLA for the constituency where we're presently located, Calgary-Buffalo, Sheldon Chumir. Coming up to the table at the present time is Mr. Bob Hawkesworth, MLA for Calgary-Mountain View, and going to the other side of the table, Mr. Barrie Chivers, MLA for Edmonton-Strathcona, the newest Member of our Legislative Assembly. On his right is Pearl Calahasen, MLA for Lesser Slave Lake. That is your committee.

I want to say we're very pleased with the reception that this process has received in the city of Calgary. We do have a very full schedule to deal with today and tomorrow, and we are going to try to allow as many people as possible to make presentations by unfortunately limiting people to 15 minutes. We hope that in your 15 minutes perhaps you'll leave a minute or two for questions from the committee, but that is your business really. We're primarily here to hear from Albertans as to how they feel about Alberta's place in a new Canada.

With that, I'll invite Shannon Pitts to come to the table to make her presentation. Welcome, Shannon.

MS BETKOWSKI: You're number one. This is an historic event.

MRS. PITTS: Thank you for the opportunity to make this presentation today.

Rather than discussing points of law within the constitutional mandate, I'd like to address the parameters within which constitutional reform should be addressed. Prior to any constitutional reform there must be a solid foundation upon which to build a nation.

Until the Canadian Charter of Rights and Freedoms, section 25, which states that:

> the guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and any rights or freedoms

that now exist by way of land claims agreements or may be so acquired, and the numerous treaties with natives are honoured, any legislation, particularly that which relates to land and territorial rights and distribution of powers and responsibilities between various levels of government, would arguably be invalid if prior legal commitments have not been met. Native Canadians have tried to negotiate a just settlement for 200 years now. Canada is a leader internationally in its promotion and implementation of human rights instruments. It is time our government practised what it preached.

Secondly, the settlement of aboriginal claims may also provide a prototype for addressing regional disparities. If there is anything that exacerbates current regional wrangling, it is the long history Canadian governments have had of playing one region against another or meeting one region's needs at the expense of another region. At the very least, settlement of aboriginal claims may restore some trust in Canadians that their governments are capable of applying and adhering to the principles of social justice. There must be an acknowledgment by our governments that Canada is not just a discrete physical entity or an economic machine. It is first and foremost a highly complex set of human relationships where each and every person involved in the process is a valued and valuable part of this nation.

Canada as a nation exists only as a function of its people, all of them. When our government focuses on that principle, then the achievement of equity and balance will be possible. Healthy nations, like healthy families, provide as best they can for the physical, social, educational, and health needs of each and every member. Healthy nations, like healthy families, provide support and encouragement to each and every person to achieve their full potential as individuals in a manner that is meaningful and rewarding for them. It is incomprehensible to me that this country has an average dropout rate of 30 percent, an adult illiteracy rate of 25 percent, and even though they encourage immigration to bolster the economic pool, yet they do not provide adequate language training or transitional support to ensure full participation in our country. This is a waste of human potential and a waste of our greatest natural resource.

As Canadians it is our responsibility to share as fairly as possible the wealth and opportunities this country offers without prejudice. I feel a deep sense of shame and frustration when I read about 1 million Canadian children living below the poverty line, many in conditions approaching those of Third World countries. I feel that same shame and frustration when I hear about the homeless, the food banks, and the shelters for women and children that must be provided because of the violence in their lives. As a Canadian I don't care where these people live or what words they or others choose to use to define them. I want the government to prove to me that it can address and resolve these disparities in a humane and just manner. If our governments are not capable of redressing these wrongs to individual Canadians, then they certainly are not capable of addressing the more complex questions of regional disparities.

My third point deals with the electoral system. As a long-time community volunteer, I've had the opportunity to work with members of each of the political parties at all levels of government. Within each of these parties I've met people who are intelligent, competent, and compassionate. Between you, you share a vast pool of talent and a wealth of experience that should be harnessed and focused on bringing this province and this country into the 21st century as an equal and valuable partner within the global community. Instead, we get question period, an exercise in one-upmanship and partisan politics which often emasculates even the best of your efforts to provide good government. Neither Alberta nor Canada can afford this incredible waste and inefficiency created by an adversarial system inherent in our governments, our courts, and our social systems. The shifts and changes globally in technology, science, social mores, and in the balance of powers are such that we as a nation cannot afford any longer to quibble over whether an insy or an outsy belly button is best.

We require a government which is future oriented, visionary, and can tell the difference between a calculated risk and insanity. As a long-time volunteer I have worked with other volunteers in my community to encourage my neighbours to become meaningfully involved in the process of decision-making at all levels of government. Party politics are a major obstacle in that process. Most people feel disempowered. The process by which parties govern themselves and choose their leaders is seen by most Canadians as corrupt. The demand that party members adhere to and blindly support party policy is seen as antithetical to the democratic process. Many Albertans have told me that they won't participate even in voting because they may like a candidate but detest the party policies or vice versa. In addition, they must try to decide whether the individual or party will really have the opportunity to make a difference once elected.

4:12

Even though elected, not all representatives have an equal voice. Most people I've spoken with want clearly enunciated guidelines outlining ethical behaviour for both parties and individual representatives, and they want them to have the force of law. Most people I've spoken with want full and honest disclosure of the information surrounding issues that concern them. As a private citizen, I can attest to the fact that this is often nearly impossible in any timely fashion, partly because of the politics within parties.

An effective electoral system must allow individual Canadians the opportunity to be more meaningfully involved at the decision-making level. Most Canadians are not apathetic; they have just given up on the party system. Is there any good reason why ballots could not be issued for individual party candidates as well as for key party policies – for example, economic development, education, health, finances – where proportional representation on committees for each of these areas would be established by popular vote as well?

Parties need to readjust their thinking so that instead of seeing each other as opposites or opponents, they see each other as complements: all equal as individuals but as a group representing the whole spectrum of Canadian society.

Lastly, I wish to speak to the mechanics of constitutional reform. Firstly, all levels of government in Canada must convince Canadians by their actions and their leadership that they uphold and are bound by the laws and policies governing our country. At this point in time it is often apparent that there is one set of rules for the average Canadian and an entirely different set of rules for those in government. If you have noted a lack of confidence and distrust in the whole constitutional reform process, that is why.

At this point in time most of the discussion surrounding the Constitution has dealt with things: economics, discrete tracts of land, and power. None of those things is what truly describes Canada. They arise out of what Canada is first and foremost: a vibrant, constantly evolving, social entity.

The Canadian Charter of Rights and Freedoms, the Alberta IRPA, and the U.N. Declaration of Human Rights and freedoms, to which Canada is signatory, are documents which address the relationships between individual Canadians, Canadians and their governments, and Canada and its neighbours. If those statutes are honoured, then all the Constitution really needs to provide is a framework to facilitate the mechanics of the Canadian social network rather than the prison that many Canadians felt the Meech Lake document described. The framework must set minimum standards which provide for the financial, educational, physical, and social needs of each and every Canadian wherever they live, without penalizing regions or communities who have the will and can provide the means to address their distinct goals and values for themselves.

In closing, one more observation needs to be made. An Edmontonian, Marshall McLuhan, gave the world the phrase "global village." That is now a reality. It doesn't make any sense for Canada to go in a huddle and decide as a team what they're going to do if they're ignoring what's happening in the world. If we want to be making our own choices as to where we stand in the world and how we react to what's going on, we must see what our position is globally as well as within our own framework.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Any member of the committee? Sheldon.

MR. CHUMIR: If I could start. I'm wondering whether you'd be able to advise the committee as to your views on the battle that is ensuing with respect to centralization versus decentralization of services, particularly whether or not you would favour a continuing role for the federal government in establishing minimum standards for health care and the social programs that are there at present and whether you would subscribe to a federal role in education and the environment as opposed to the alternate view of decentralizing and shifting as many powers as possible to the provinces?

MRS. PITTS: Well, personally and also within the community that I work in, which is quite extensive, the feeling is that there have to be minimum national standards, especially for health, education, and social welfare. We have no objection to there being provincial priorities being involved in that, but at this point in time as a parent working in a school, I can tell you that children moving from school to school within a city often don't see the same goals and standards in the classroom, let alone moving from province to province. It is of major concern. There are areas in Canada where the standards for education are extremely low, not because the province doesn't wish to educate their children well but simply because they do not have the resources. As a Canadian it's my preference that all children be educated as well as they can to the best of their potential.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Shannon, I have two question areas. One of them follows on the question by Mr. Chumir. In terms of establishing national standards for such things as education, do you have any feelings as to whether or not those standards should be established by those who currently have the constitutional authority – in other words, the provinces together establishing set standards that people would meet in different provinces – or whether that should be done by the government operating out of Ottawa? I guess I'll ask that question first, Mr. Chairman, and then I would have a second.

MRS. PITTS: Neither of the above. I would prefer that the stakeholders who are directly involved in education advise and set the parameters for education. That means the school boards, the teachers' associations, business and industry, the social support systems, because at this point in time the schools have become a focal point where almost all the child's needs can and often are met, and it's important that all of those stakeholders help to address that issue and set the parameters for education. Then I think it's up to the provincial and federal governments to work out an equitable balance. But, again, I think the focus has to be on the child and the best interests of all Canadian children rather than playing this regional game all the time.

MR. ANDERSON: Just for clarification on that, Mr. Chairman. So would I be right in interpreting those comments as being that government should be facilitating, dealing with those who know and understand the problems and issues most in the first instance?

MRS. PITTS: Yes.

MR. ANDERSON: If I could, Mr. Chairman, my second question was really that I was interested in the comments Shannon made with regards to the party system and its effect overall on Canadians. Could we go back to any specific suggestions you have on how you would lessen the party system, which I for one would agree is very tight in our country, more so than in most. Do you have any specific thoughts on how you get around that British parliamentary base we have for operating the country?

MRS. PITTS: Well, it's going to require a little bit of risk-taking, but again what I hear in the community when I'm trying to get people involved is that they would like the opportunity to vote for specific candidates but they would also like to vote on specific issues, especially dealing with things that impact on them daily, like education, health care, social services. I haven't had time to think it completely through, but there doesn't seem to be any reason why you could not have a ballot that gave you the positions of, say, the three parties that were running. Say they were red, green, and orange; you could check off: yes, you support this party's policy on education, this party's policy on social issues, and this party's policy on finances, but that the person you wish to represent you is another person, who may be from any one of the three parties. By looking at the percentage of votes – say there was 50 percent for the yellow party's policies; then 50 percent of the representatives on the committee dealing with those issues would be from the yellow party. Then proportionally you would have representation from the others.

It's not anything that I'm aware is being done anyplace else, but that doesn't mean it can't be tried. The thing is that not many people have any confidence left in the party system as it exists now, so it might be worth the risk to try it.

MR. DEPUTY CHAIRMAN: Thank you.

Barrie. The Chair will say that this will be the last question, because of the time consumed.

MR. CHIVERS: Thank you. I'll try to be very brief. Shannon, you mentioned section 25 in the context of aboriginal rights. I'm just wondering whether you feel that it's necessary to have further constitutional entrenchment of aboriginal rights, recognition of aboriginal self-government.

4:22

MRS. PITTS: Well, as I stated before I think that should be resolved prior to any constitutional reform. This has been going on for 200 years, and as a member of Amnesty International I'd like to point out that in any other place in the world we'd probably have civil war if this had continued for this long. I think we have a moral and a legal obligation to settle that now and proceed from there. I don't think you can build a country on a foundation that is so unsettled.

MR. CHIVERS: So you would want it in the Constitution.

MRS. PITTS: Well, again, if it's resolved prior to then, I imagine it would become a part of whatever future government you have, based on what's decided now.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Well, on behalf of the committee, thank you very much, Shannon, for a very thoughtful and well-delivered presentation.

Jean Ferguson. The Chair is particularly happy to welcome you to our midst, Jean. Please have a chair and make yourself comfortable.

MRS. FERGUSON: Good afternoon, hon. gentlemen and ladies.

MR. DEPUTY CHAIRMAN: You may sit down, unless you would rather stand.

MRS. FERGUSON: I'll be better sitting. Thank you.

MR. DEPUTY CHAIRMAN: The Chair was going to say that it is personally acquainted with the present presenter, and it's very nice to have you with us this afternoon.

MRS. FERGUSON: Well, I hope you won't think that what I'm going to say is harsh. It is what a great many people are thinking but will not say. I remember 1967, when we started a new century with a $19.5 billion national debt and a great future in front of Canada. Today we have something like $400 billion in debt, and I'm afraid for the future of our young people. I am particularly concerned about the future that young families with children face at this present time. So I'm going to say what I think, and I appreciate the opportunity to air my views impartially. I don't feel that other commissions have done that. I'm going to read what I intend to say, so that I will say what I intend and no more and no less.

Our leaders in Canada, western Canada particularly, need to take a realistic look at unity as defined by Prime Minister Mulroney. That means refusing to be drawn into or condoning the federal Conservative charade. Meech Lake was designed by our Quebecker Prime Minister to give Quebec additional privileges above and beyond what it already enjoys, and Canada at last said no. The Prime Minister created the problem he is now determined to solve by pressuring Canada to honour unity at any cost. Meech Lake and Quebec's Bill 101 have made very evident that multicultural English-speaking Canada and Franco-Quebec are separate entities.

Bilingualism, invented by that other Quebecker Prime Minister, was about power, not language. It was designed to put Franco-Quebeckers at the head of most federal and many provincial departments. Phone for yourself and analyze the spelling of the surname of the head of the department. If the proposed Mulroney-inspired Constitution succeeds, Quebec will continue to exert dominant control on Canada while being, in effect, practically sovereign. Will western Canada be content to remain in the kind of Canada that could create? If we then decide to separate, could we be faced with a civil war? This is something you have to think about; you have to look at the future frankly.

If Quebeckers, who have never really considered themselves Canadian, are so dissatisfied with Canada, then they should go: without association, off the fence, in or out, equal or separate. In Meech Lake they cried "Wolf!" once too often. If you go back to that old fable about the shepherd boy that tended the sheep, when he got dissatisfied he yelled "Wolf!" and had everybody come running to save him. But he cried once too often; they didn't come, and there really was a wolf. I think that's what's happening in Canada today. We have come to a place where we are making decisions, important ones.

Prime Minister Mulroney, who is entirely prejudiced in favour of Quebec, is not a suitable negotiator for multicultural English-speaking Canada. Neither is Joe Clark. He's more interested in his political career and understanding Quebec than he is in understanding Canada.

Peter Lougheed made an error when he signed Trudeau's Constitution. Mike Pearson, in the *Toronto Sun*, February 19, 1979, said that the Canadian Prime Minister is the nearest thing to a dictator if he so desires; end of quotation. The Prime Minister of Canada has more power than the President of the United States. He appoints the judges who have final voice in all contentious decision-making. He can make laws and carry on government by order in council when the House is not sitting. We the people cannot impeach him.

In the next Constitution, the Prime Minister's power should be curbed. Define a fixed term of office so that MPs can vote their constituents' wishes, except on money Bills. The people should have the right to initiate a referendum on questions of national importance. Our democracy is slipping badly at the present time. A three E Senate. Equality among the provinces, no privileges. It is time that the people have a vote on constitutional matters. I thank the provincial government for giving me this opportunity to air my views. The Spicer commission was a handpicked sounding board interested only in listening to those who would keep Canada together at any cost. Meech Lake proved on TV that Canadians are not prepared to accept the kind of concessions being thrust upon us. Thousands of people phoned and wrote to those people who spoke in opposition. There must be no provincial agreement without a referendum with wording that we find suitable or, much better, a federal election.

The present federal government does not have a mandate to negotiate a new Constitution, because our MPs refuse to respect our wishes.

Thank you.

4:32

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. On the question of referendum what would be your suggestion if a referendum was taken – you pick the issue – and the referendum went against the wishes, say, of the majority of people who voted in the referendum in Alberta or western Canada? Would you suggest to us at what point a national referendum becomes binding?

MRS. FERGUSON: Well, I think the referendum should be nationwide, if it's a question of federal concerns.

MR. DAY: Yeah, that's what I'm referring to.

MRS. FERGUSON: I think we need a referendum in Alberta too, but I would suggest that our Constitution needs to put more power back into the hands of the people because I feel today that the good country that we have enjoyed is rapidly slipping away from us.

MR. DEPUTY CHAIRMAN: To further interpret the question that Mr. Day asked, I think he was saying that if a question was put before all Canadians and, say, the large population of Ontario didn't agree with the population of Alberta, how would you feel about that?

MRS. FERGUSON: Well, if we had a three E Senate I suppose . . .

MR. DEPUTY CHAIRMAN: No. We're talking about a referendum now.

MRS. FERGUSON: A referendum. I see. Well, . . .

MR. DAY: That's what I'm referring to. Does it become binding on the entire country? How do you sort that out?

MRS. FERGUSON: Now, that is a great problem. It would take about 3 percent of the population. I think about 300,000 people vote – do they not? – in Canada. No, that's in Alberta. It should be a high enough percentage that only . . .

MR. DAY: If you have any thoughts on that in the future, feel free to write or call us. It's something that is being grappled with, so any insights on that would be appreciated.

Just one other question, Mr. Chairman. You talked, Jean, about Quebec. You said they should go under certain circumstances. If that was to be the case, who would you want to do or who do you suggest would do some of the negotiating? For instance, our grain shipments that have to go through the St. Lawrence Seaway system, which Quebec would have access to, would you want to see the government of Alberta doing that type of negotiating, or should the federal government do that with a separated Quebec? Who does that negotiating?

MRS. FERGUSON: Well, I would think the St. Lawrence Seaway would be an international waterway. It does connect the United States with the outside world as well as Canada. I have some other thoughts on that too.

I don't think Quebec should be permitted to keep the south shore of the St. Lawrence and the Ungava territory as well. I think there is a negotiating point there, because the northern part of Quebec belonged to the Hudson's Bay Company and after that to the British government, and it wasn't ceded or turned over to the government of Quebec. I think it was turned over merely as to be governed rather than to be owned. It was turned over in 1912. That was a dirty deal because the people in that northern area of what is now Quebec spoke their own native languages. The Eskimos and the Indians spoke their own national languages, and enough English to deal with the Hudson's Bay Company. Quebec would deal with them only in French, so they had no way of protecting themselves whatever from the kind of inroads that have been thrust on them.

MR. DEPUTY CHAIRMAN: Mr. Hawkesworth.

MR. HAWKESWORTH: Thank you, Mr. Chairman. Just as a background to my question, I think we could see an example in Canada where there might be a referendum on, say, energy policy, and everybody in Ontario votes one way and Alberta votes another, and the majority can dictate then to the minority what that decision might be. So some people in Alberta, looking at Alberta as a minority, have proposed a triple E Senate as the way for Alberta as a minority to protect its interests at the national level. My question to you is, understanding how Alberta feels, whether you believe Quebec as a minority should have something in place that might help it protect its vital interests at the national level.

MRS. FERGUSON: I think it already does.

MR. HAWKESWORTH: In what way?

MRS. FERGUSON: Well, at the present time, perhaps this may not always be so, but they vote as a block, and they usually get all or most of the things they ask for, far more so than any other part of Canada. Perhaps we need to start voting as a block also. That would be one way open to us, but perhaps a referendum is not the best idea. I don't know. I mean, other people understand more about it than I do, but certainly we need a voice. The people need a voice. The people are really fed up, and perhaps that's one way.

MR. HAWKESWORTH: Their protection seems to be that they vote en bloc in an election, but in terms of constitutional protections do you see there being any at the present time that help Quebec?

MRS. FERGUSON: Yes.

MR. HAWKESWORTH: I'm just wondering.

MRS. FERGUSON: Language laws. Bilingualism is a tremendous hammer for Quebec, and they use it very successfully. It's been tremendously successful.

MR. CHIVERS: Mr. Chairman?

MR. DEPUTY CHAIRMAN: Mr. Chivers.

MR. CHIVERS: Jean, you've suggested that elected representatives should vote their constituents' wishes except on money Bills. I'm wondering if you are proposing some sort of a way in which the wishes of the constituents are to be determined.

MRS. FERGUSON: Well, if we had a set term of office without defeating the government every time a certain Bill is defeated, I don't see any problem.

MR. CHIVERS: Okay. That led to the second point, the elected term of office. What term are you proposing?

MRS. FERGUSON: Well, I suppose four years is about an adequate term. I don't think there's much the matter with the term that we have now except that our MPs go down there, and they're brainwashed and hammered into doing exactly what the Prime Minister wants, and what we want . . . Well, you can see what happened to Kindy when he disagreed.

MR. CHIVERS: So there would be a constitutional requirement for elections every four years?

MRS. FERGUSON: Yes, on a set date without any finagling.

MR. CHIVERS: Thank you.

MRS. FERGUSON: Incidentally, here's a little piece about Parizeau before I go. He claimed that the country of Quebec must support communities with historic links. He was talking about the French community in Alberta. The country of Quebec.

MR. DEPUTY CHAIRMAN: Thank you very much, Jean.

The next presenters are Profs. Cooper and Bercuson. Welcome. It's nice to see you back in these surroundings again Prof. Bercuson. The Chair hasn't had the pleasure of meeting Prof. Cooper I don't think, but it's nice to have you with us.

DR. BERCUSON: Thank you. Should we just begin?

MR. DEPUTY CHAIRMAN: Just begin.

DR. BERCUSON: We're going to do a little dog and pony show here. I'll speak for a few minutes and then Barry for a few minutes, and we'll try to stay within your 15-minute limit.

MR. DEPUTY CHAIRMAN: We're doing pretty well so far.

DR. BERCUSON: Well, the two of us have analyzed the constitutional position that the country is in today. I guess a little commercial plug is that we've written a book which will be issued on July 1, which is going to be called, Deconfederation: Canada without Quebec, which I guess gives a bit of a hint of where our position is on this issue.

We look at Meech Lake as a very significant and serious turning point in the history of Canada and Canadian constitutional development – or shall I say the failure of the Meech Lake accord. We do not see what is happening now as preparatory to yet another round of federal/provincial negotiations or another federal/provincial conference such as we've had in this country since the 1920s or actually, in fact, since the late 1880s.

4:42

We think that something very, very different has happened, and it's happened for a variety of reasons, the first being that in the Meech Lake settlement a special constitutional and legal status was proffered to Quebec and then was refused, I suppose, or withdrawn, with the failure of the accord. That, of course, was the culmination of what the governments of Quebec had been seeking since 1960. I mean, every government of Quebec since the beginning of the quiet revolution has sought a special constitutional accord. They were all unsuccessful in getting even close to it, but they were pretty close to it with respect to what was on the table in the Meech Lake accord. It's inconceivable to Barry and myself that any government of Quebec will now settle for anything less than a special constitutional or legal status.

The second thing that has happened is that the process itself, as you know – and I suppose it's one of the reasons why we're all here today – has lost some degree of credibility in the eyes of the people of Canada. We think that's because the people of Canada have now started to realize that the Constitution Act of

1982, for better or for worse, has really transformed this country into a quasi-republican liberal democracy and that the people of Canada really do believe that the people rule in this country as opposed to the Legislatures. Now, that's kind of an arcane point of political science, but I think it's a very, very important one, because you have people constantly coming forward and saying, "Whatever happens in this country in the future, the people are going to have to be the deciding voice." Those of us who have studied Canadian history know that that's a radical departure from the past. I'm not being cynical about this. The fact of the matter is that in the past the Legislatures have made constitutional law in this country, but the people now think that they have a role to play in the making of constitutional law.

The next thing that happened was that there was an orgy of what I call Canada hate which set in in Quebec as a result of the failure of the Meech Lake accord, I think largely as a result of a tremendous ignorance of what's been going on in English-speaking Canada. I think that led directly to the Allaire commission report and the Bélanger-Campeau commission report, both of which have suggested – I won't even call it a restructuring of Canada – basically, a dismantling of anything that one could call a nation state in the proper term. That, I think, has really created in itself a reaction in English-speaking Canada, because I think that English-speaking Canada, by and large, finds the Allaire report or the Bélanger-Campeau commission report, even when divided, let's say, by 10, considerably watered down, to be completely unacceptable.

The other thing that has happened, of course, is that other groups have started to make demands of their own at the table either for room at the table or for some say in the constitutional talks or constitutional negotiations. That, too, is very different than what we have had in the past where it was primarily the levels of government or, in certain instances, the different bureaucracies, federal and provincial, which really got together and negotiated federal/provincial agreements on tax-sharing points, social welfare policy, and so on and so forth. We think, to summarize the opening of this part of our presentation, that Meech Lake was really something very, very different, and the question that we all have to answer is: where do we go from here? Because I don't think the past is any particular road map for the future.

DR. COOPER: We have three or four points to make with respect to where we should go from here. I'll make the first one. I expect you'll hear from other people as well. It's concerned chiefly with Senate reform. First of all, I'd like to make the point that it may in fact be too late to do anything in the way of institutional change that will ensure that Quebec stays within the country. Second, I'm not even convinced that Senate reform will be sufficient, and the reason for that is the evidence, at least that we read about in the newspapers, of bureaucratic and political initiatives in the provinces. When politicians, Premiers, and senior bureaucrats get ideas in their head, they're very difficult to stop. What I'd like to suggest is that some of these initiatives may have consequences that none of us, I think, will want to embrace when we have to face those consequences.

I'll give you a couple of examples. The Western Premiers' Conference at Lloydminster last year came up with – at least their press reports said that they came up with – a proposal for health, education, and welfare to be taken over by the western provinces and a suitable tax regime to be put into place that would essentially be a made-in-the-west, blanket policy with the suitable tax regime to go with it. This year it was immigration policy. You people know a lot better than we do how far that is going and whether or not it was seriously intended. The point that we observed is that it was symptomatic of a general kind of disintegration of the country and that the initiative, the initial impetus for this, came from Quebec a generation ago with the very rapid secularization of health, education, and welfare in that province. As you probably know, education, hospitals, and so on were staffed and operated by the church, and in a very short period of time they were operated by, let's say, nonpriests and nonnuns: secular, ordinary Canadians just like the rest of us. We now call that, of course, the quiet revolution.

As David has just indicated that in our view the whole let's call it sorry business, to call it nothing more extreme, came to a head in Meech Lake. Now, that's fine, I suppose, with respect to Quebec. There may be difficulties for us in Alberta and in western Canada as a whole, and we should wonder why Meech Lake was popular and who it was popular with, and why it was popular with political leaders if not with the citizens of Canada. One of the reasons, I think – and it's an institutional reason; it doesn't have much to do with the motivations and aspirations of provincial political leaders – has to do with the absence of institutional representation of the regions in Ottawa. This has meant that the provinces have had to do a job for which they are in many ways ill equipped, and that is, to represent regional interests. The only institution in Canada that is set up to do this on an ongoing basis, as we all know, is the First Ministers' Conference. It takes place, if not in secret, at least in large measure behind closed doors, and as David said, that helps to delegitimize the entire process. It may be good for governments, it may be good for elected political leaders, but citizens do not consider it to be good for them.

So what's the solution to all of this? What we would propose – and I'm sure you'll hear it from other people as well – is federalism, a genuine federalism. That means, in very simple terms, Senate reform. We are not for a triple E Senate; we're for a kind of two and a half E Senate. We would like it to be elected, to be equal, and to be not perhaps as effective as the House of Commons. Specifically, we would not want the Senate to have the power to vote supply. We would, however, want there to be a one-year power to block all other legislation. I mean, we can go into the details for this, why we believe this would be better than having an equal Senate, but I suppose we can leave that for later.

DR. BERCUSON: Okay. Thank you. Of course, another major issue that you're going to deal with and which a lot of people are talking about is the distribution of powers. I want to start off by saying that what we have today – just to remind people; I'm sure most of you are aware of the fact – is a distribution of powers which is largely based on the British North America Act of 1867 as interpreted by the judicial committee of the Privy Council, and then, finally, of course, there were some changes made with respect to the distribution of powers, although not a great deal, when the Constitution Act of 1982 was brought into effect.

Prof. Cooper and I basically believe that the distribution of powers, as it stands now and as it has evolved, is basically okay as is. We certainly would not want to see anything like any radical kind of decentralization as is being mooted in certain quarters. We also believe that a great deal of this talk about overlap and duplication and the elimination thereof is really a panacea. I think a lot of people are blowing smoke, because frankly I have seen very little solid evidence that there is overlap and duplication. Even in areas such as agriculture where it is claimed that there is overlap and duplication, what one finds upon examining the situation is that in many instances one level of government is taking care of one aspect of that area of power and the other level of government is taking care of some other aspect of that area of power. But in most other areas of power which are listed in sections 91 and 92 of the Constitution Act 1867, there's almost no overlap whatsoever. So I think that a lot of this talk about overlap and duplication is essentially talked by people that do not really understand the way the system functions.

4:52

We do think, however, that there's probably some room for a little bit of shifting or shuffling of powers, and what we would like to see happen is the following. We think the federal government should definitely continue to maintain the standards for social policy in this country. We think the federal government should have some additional say in the area of education over what it now has, because it does have some say today with respect to postsecondary education in that the federal granting agencies are the major source of research funds in the country, where there ought to be, in our opinion, a national educational strategy. This strategy should be the result of negotiation between the federal government and the provinces, but the provinces up to now, in my opinion as an educator, haven't done a very good job of establishing national standards or preparing Canadians for the 21st century. This is a point, of course, that I made appearing before the predecessor of this committee.

We also think the federal government should have the pre-eminent role in the area of environmental protection, because the federal government is the only government capable of taking care of damage to the environment, the effects of which are felt across provincial boundaries. We think the provinces should have the pre-eminent role in language policy and in cultural policy. We think that the rule of thumb should be that which was used by good old John A. Macdonald way back in the mid-1860s. I mean, it's pretty obvious to anybody who studies these matters which are of local concern – "local" can of course mean provincial – and which are not. Those which are not should remain with the federal government, and I think any effort to try to define national concerns as local or provincial concerns, as we have seen, is going to create a disaster and a great deal of resistance on the part of the people of Canada.

DR. COOPER: The last thing that we want to bring to your attention is what Canada should do and certainly what Alberta should do with respect to Quebec's demands: how to meet or not meet Quebec's demands. The first principle we would urge upon virtually anyone who wants to think about this is that there's nothing to be gained by giving in to threats and that separatism, if it is a threat, is a threat that can be ignored. As one of the foremost sociologists in Quebec has said – Hubert Guindon is the guy's name – it can only be a goal.

So then the question is: does Quebec stay or go? There are two ways of answering it. If Quebec stays, that's fine, but it can stay, we would argue in any case, without any special legal and constitutional status. No province deserves special legal and constitutional status, which does not mean there are not ways of accommodating social and political realities, but there's a difference between accommodating social and political realities through the normal process of negotiation and enshrining them in the Constitution. If Quebec is going to stay, a sound and prudent negotiating position for Canada would be that you stay on terms acceptable to Canada, some of which we've just tried to outline. If you are prepared to go, then go, and we wish you well, but be prepared to negotiate several major issues. I'll just outline two or three.

First, of course, is the debt. I understand there's a conference in Edmonton today by a bunch of economists who are discussing this exact problem. Second, there's a problem of fixed assets and property that Canada owns currently in Quebec. There's the problem of trade and monetary relations. All of these things, I think, can be accommodated through the normal negotiating process that was undertaken so successfully in the free trade agreement, something like that, between Canada and the U.S.

The other area of contention, however, I think is a little more sensitive, and that has to do with boundaries. The previous speaker mentioned some of the difficulties. If you wish, I can go into them in more detail. I think we should all be prepared for some extreme statements coming from Quebec with respect to the amount of territory that the province can or cannot leave Canada with.

Finally, let me just say that judging from today's *Herald*, the statements of M. Parizeau, who will be in town very shortly . . . Either he's been smoking something other than cigarettes, or he doesn't believe his own words, and quite frankly I think it's probably the latter. His statements regarding the co-operation that he expects to see between Canada and Quebec: I think he couldn't possibly believe that, in which case they are to be understood by all Canadians as essentially political moves rather than an accurate statement of what he really expects.

I don't think we should kid ourselves. If Quebec is going to leave, it's going to be a lot of hard and difficult negotiations on the part of Canada to defend Canada's national interests, because we do have a rather vital national interest, as the Americans call it, with respect to the south shore, with respect to the former territory of Rupert's Land, and also with respect to ordinary trade between what's essentially Montreal and the rest of the country.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. You seem to have come out very strongly in support of a strong national government and against extreme decentralization. If I heard you correctly, you've suggested that it's important that we maintain the existing federal role in social services and presumably health. At the present time it's suggested that health and social services in fact are within provincial responsibility and that the federal government has been interloping through its spending powers. I'm wondering whether you would then subscribe to entrenching in any constitutional changes at least the existing role for the federal government in health and social services. Finally, on a related topic, do you favour transferring greater immigration powers to the provinces?

DR. BERCUSON: I guess I have to respectfully disagree with the very first part of your statement. I don't think I would say that I was in favour of strong national government, because I don't think what we have now is a strong national government, and I'm not trying to be funny about that. I think the government of Canada, in terms of the federal government . . . This is one of the most decentralized federations in the world. I think that the bureaucrats in Ottawa who have been studying this problem for the last three or four months under Mr. Spector have discovered that, and historians and political scientists could have told him that a long time ago. When I say I'm in favour of maintaining what we've got today pretty well as it is, I don't want to see the federal government grab a whole bunch of powers over other than what it now has with the exceptions of what I've talked about.

Yeah, the federal government to a degree is an interloper in these areas, but it's a necessary interlopment, if I can call it that, because I think – and I'm not a lawyer here; you are, and a lot of other people at this table – the decisions of the JCPC, as they were handed down in the 1920s and 1930s, were fundamentally wrong and resulted from a misunderstanding of what this country is all about. I think that British notions of regional autonomy within the U.K. were imposed on a Canadian pattern, and I think that what has happened as a result is that it was necessary for Ottawa and the provinces to find ways around the constitutional restraints that were placed on this country, because it was patently absurd to attempt to create, let's say, an unemployment insurance scheme or a medicare scheme under the constraints that were imposed by the JCPC. I think what we've seen is that the Supreme Court's decisions have largely moved away from that, because they realize what the Canadian realities are. I don't think I would like to see anything entrenched in the Constitution, because I think we've done a fairly good job up to this point in time in negotiating the kinds of agreements that we've needed in this country. I have perfect faith that the political leaders in the future will be able to do just as good a job when the time demands it and when the people require it.

DR. COOPER: With respect to immigration I think when people come to Canada, they come to Canada; they don't come to one of the provinces. Last weekend I was talking to one of your colleagues, Fred Bradley, who set me straight on what the provincial position was on immigration. I said to him that basically you can have negotiations; that's one thing. But to have legal responsibilities is something else. The reason why there is a demand for legal responsibilities has nothing really to do with the implementation of immigration policy outside of Quebec. It's Quebec that is demanding legal control over immigration. It seems to me that once one province does it, for whatever reasons, the other provinces stand in line and say "Me too" and that is the recipe for disintegration that we're concerned with.

5:02

MR. DEPUTY CHAIRMAN: Dennis, followed by Pearl.

MR. ANDERSON: Thank you, Mr. Chairman. In the conversation thus far we've gone around the question of distribution of powers. I appreciated the correction to Mr. Chumir's question on you not wanting to decentralize them further, yet I am somewhat confused because you did indicate in the initial remarks that you felt there should be a role in education, a role in social services, and I don't know if that meant by implication in some other areas such as health care or not. I wonder if you could address that role further.

It seems to me that decentralization in the nation that we have, the largest free nation in the world, is meant in part to allow those people who live in a given area to determine the priorities and the directions and respond to the sensitivities of that part of the country. Where does the majority of the population, controlled from the central Canadian powers in our case, become paramount or more important or more effective than the decisions made in education, social services, et cetera, in the regions or the parts of the nation?

DR. BERCUSON: Let me address the three issues that I raised, and I'll get to education the last, because I think that forms the heart of what your question is.

With respect to social services and medicare, what we're really talking about is the preservation of the status quo, because what the federal government does at the present time is establish those national standards. In the legislation that we have with respect to the Canada Health Act of 1964, it established certain standards, and then they amended it in 1984 and so on and so forth. What we're really talking about is a maintenance of a current situation, not any additional accretion of powers to the federal government.

When we talk about the federal government having preeminence in the area of the environment, what we're really talking about is that the provinces should certainly play a local role because environmental concerns have to be responsive also to local needs. But in the end someone has to act as the policeman, if province X or municipality Y is not doing what needs to be done, in order to protect the environment. As I say, I'm no lawyer, but frankly when this issue does get to the courts – because let's remember the word "environment" does not appear in the Constitution Act 1982 – I think the courts will give that power to the federal government, as they did give authority over broadcasting and air transport to the federal government and for much the same reasons. So I think it's only a matter of time before that happens, unless somebody deliberately excludes the federal government from a role in the Constitution, and I don't think that's going to happen.

Let's get to education. I think what we need to remember is this: the way the educational clauses of the Constitution were written in the 1860s was that it was believed, as a result of the social and economic and political conditions of the time, that control over the schools should be solely and totally and completely local. I think that was a good response to the realities of the day. I think what we're talking about today, when we have to compete against the industrial giants, against the Japanese and the South Koreans and the Germans, because Germany will emerge as a major giant industrial power once it cleans up East Germany, and on and on and on, is that there have to be some additional factors to add to that local control which have to be factors in which the Canadian people, who are the people who will participate in the Canadian economy and benefit from the Canadian economy, need to be able to say through their political leaders, "We want our children to grow up and to be able to challenge the best that the Japanese and the Germans and the Poles and whatever have to offer." We can't simply leave it any longer to local school boards or provinces to decide this issue. There has to be a national interest in education in the future because of the kind of world we're entering. You know, the news came today about the fast-tracking of the free trade agreement with Mexico and the United States, and I could go on and on and on, but I think the point is made.

MR. ANDERSON: I know you've got a list, Mr. Chairman, but just one supplementary on that. If Dr. Bercuson is then saying that there need to be national standards, I wouldn't disagree with that. Do they need to be determined by a national government, or are they required to be established by those with the current constitutional authority which you suggest you want to maintain, by the provinces themselves?

DR. BERCUSON: Well, I think there has to be both. I guess that's the difference. I would not like to see a situation, for example . . . I mean, I'm disturbed by the fact that Ontario pulls out of these national tests. They can do that now because the whole process is totally voluntary, and I would like to see something else there. We have not had the time in preparing for this to try to describe some kind of mechanism. I don't know where we would get to if we talked about spending, for example, and should there be room for federal grants to secondary and elementary education in the way there are federal grants for postsecondary education? I mean, these are the kinds of things that need to be discussed, but I think there needs to be some role – I think it's going to be a neat trick to figure out how you maintain local control over the schools for the most part but also bring in some national voice establishing some national interest in education. The fact of the matter is that the nation has an interest in how my kids are educated today just as my community does and just as I do, and that wasn't the case in 1865.

MR. DEPUTY CHAIRMAN: Were you pre-empted, Pearl?

MS CALAHASEN: Yeah. Actually, some of the questions I had were asked by the hon. Mr. Anderson.

One other question just to follow up on that, if I may, Mr. Chairman. You stated that shifting and shuffling would have to occur, regarding some of the questions that Mr. Anderson brought up. Yet I'm not sure exactly what you mean by the shifting and shuffling, particularly when you're looking at some of the issues you've discussed – education, environmental protection, the language policy, cultural policy – which are now presently under the Constitution. You're talking about the shift from the local to the provincial to the national versus the national to the provincial to the local?

DR. BERCUSON: Yeah, what we're talking about is some shift of powers from the provinces to the federal government in some of those areas and some shift of powers from the federal government to the provinces in the areas that we mentioned, namely culture and language.

MS CALAHASEN: Basically, you're saying, then, that culture and language should be shifted to the provinces and then education and environmental protection shifted to the national level?

DR. BERCUSON: No, no; not shifted to the national level, but the national government has a role to play, in our opinion.

MS CALAHASEN: What role would you see Albertans playing or Alberta as a province playing in those specific ones?

DR. BERCUSON: In which areas?

MS CALAHASEN: In education as well as environmental protection.

DR. BERCUSON: I think the same role that all the other provinces would play, in terms of some kind of co-ordination of the establishment of national standards or a national strategy.

MS CALAHASEN: A second question to follow up on some of these others. I think it was you, Dr. Cooper, who stated that no province should get any specific legal or special legal kind of constitutional status. When we're dealing with a number of issues which directly affect Albertans or westerners and it's totally alien or at least not akin to the eastern provinces, how do we deal with that particular issue when we have to deal with that, when there's a vote that comes through?

DR. COOPER: Let me say, first of all, that I am as strong a defender of Alberta's interests as you're likely to find, but it seems to me that the best mechanism for doing that is not through the provincial government. It's within the federal government, and I don't mean the House of Commons; I mean a genuine Senate reform. You're going to hear from other people, I'm sure, about this, but what we're talking about here are institutional changes that in our view are necessary in light of the historical development that Canada has gone through in not just the last 10 years but the last 50 years. It seems to both of us that you have to have regional representation in Ottawa in order to defend regional interests, that the provinces are just not sufficiently equipped to do it.

MS CALAHASEN: So we've got to change it somehow so that we do have that particular equipment to be able to deal with it on a national level?

DR. COOPER: That's right. Just one further. Premier Lougheed was particularly good at that because of, I think, his personal style of leadership, but we can't count on that. I mean, that's what institutions are for.

MS CALAHASEN: So the regional disparities will be taken care of under that particular kind of regional . . .

DR. COOPER: They'll be better safeguarded, I think.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: I have a couple of questions. I wouldn't mind your thoughts on referenda, as a general comment, national referenda, and your comments with respect to developing a broader consensus and what the model is for that. I notice you used the word "national" as opposed to "federal." Is there room in a broader consensus, for example, for provinces coming together to develop national consensus, as opposed to a top-down model, which we seem to be contemplating with respect to education, for example, where they would define it?

5:12

DR. BERCUSON: Okay. I'll try the first one. Do you want to go after the other one? It's the hard one.

I don't have much faith in referenda, nor do I have much faith in the notion of constituent assembly. First of all, I don't want to be the historian too much here, but we've had two plebiscites in Canadian history, one in the 1890s over booze and the other in 1942 over conscription. The first question I would ask is: what kind of a question is appropriate for a national referendum in a federal structure like we have today? I mean, some of the problems that occur when you think about national referenda and what Mr. Schumacher was asking the previous witness about are the kinds of problems that immediately occur to me. If we're talking about a national referendum in an area which directly affects the people of Alberta wherein the Alberta government would have jurisdiction, why should the existence of national referendum machinery give the people in Ontario the right to override the interests of the people of Alberta?

I'm also sort of interested in the fact that this has now become very much talked about amongst people who are trying to make accommodation with Quebec, because there's nothing that's going to drive Quebec out of Canada faster than adopting a referendum mechanism. I mean, they have a long memory when it comes to what happened in the conscription plebiscite in 1942. So I think, frankly, it's a panacea, and I think a lot of people don't want to face the facts that we seem to be dealing with some pretty fundamental contradictions between English-speaking Canada and Quebec, and sooner or later we're going to have to deal with them one way or the other. I think what's happening is that a lot of people are trying to look at ways in which we can fudge the issues, and maybe a referendum and maybe a plebiscite and maybe we won't be able to deal with . . . It's almost as if they want to sort of get around dealing with the Allaire report: "So we have to figure out some way not to deal with the Allaire report. We'll just do this and this and this, and we won't deal with the Allaire report. Hopefully, by then Quebeckers will be so scared about the prospect of leaving Canada that they won't even remember it." I think that's whistling in the graveyard. It's just not going to happen.

DR. COOPER: Well, with respect to the top-down business, I think that depends on the policy. I mean, it's not a rule that we think that Ottawa should have pre-eminence in initiating new changes. In some areas that David mentioned, I think there's room for an increased role for Ottawa, and I don't think I would want to go much further than that.

The role of the province in all of this: that's part of the difficulty. You people who are doing this in your daily life have to deal with what you're handed, and what we're handed are the first ministers' meetings and everything that flows from that, the bureaucratic negotiations and so on. The difficulty there is that it's not a particularly public or flexible mechanism, and that's the problem, it seems to us. I mean, that's the institutional problem, that there is no mechanism that works properly.

Now, the final thing I would like to say specifically with respect to that is that the current constitutional crisis, precipitated and focused on Quebec, is also an opportunity to alter these kinds of institutional arrangements in the rest of the country, particularly if Quebec is in favour of separation.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Day, did you . . .

MR. DAY: Yeah, just on that jurisdiction end, especially as related to education. I agree with what you're saying in regards to realities, day-to-day, and wanting our children to be equipped to deal with international competition, et cetera. I'm just curious as to how you can help me understand your faith in the federal government holding the hammer there as being able to better equip our children, given the fact that we could have a provincial government – we'll use Alberta – reflecting, let's say, a majority view of the people embracing a free trade type of philosophy and needing that, yet at the same time having a federal government which would be, for lack of a better word, more socialistic in philosophy, more centralized, more against that, more isolationist, and therefore that would govern their educational view. How does putting more of the hammer in the federal hand in terms of education equip our kids better? What inherently is there there?

DR. BERCUSON: Well, that question, of course, could apply to any federal/provincial interrelationship. The federal government is moving in one direction, the province in another, and of course that's what you had in the 1960s. You had a Liberal government in the early '60s that was a really left Liberal government – I'm talking about the Pearson government – and you had a lot of provincial governments at the time that were leaning the other way. That's why there was very little participation in medicare at the very beginning, but sooner or later they all fell into line. It could be a problem, but I think ideology, at least in the party sense, tends to have less meaning in this country than it does in a lot of others.

I'm not especially worried about it in the educational sense, because we're not talking about values; we're talking about goals. For example, you had the Prime Minister talking about how we would like to see more scientists. Nobody knows better than me that we need to have more science education in this country. The point is that under the current situation all it is from the Prime Minister is jawboning. The federal government can do absolutely nothing about it, because for the most part students will have decided by the time they reach university what sort of stream they're going in. They will have decided what they're suited for. They will know where the money is, and on and on and on. Even in university the federal government really has absolutely no control over what goes on on a day-to-day basis. The feds can say, "On the basis of what we see 10 years down the road, we need more people to work in the area of, let's say, survey engineering or electrical engineering or biophysics or whatever." They have no way whatsoever of having any say in the end product.

What Barry and I are saying is that that's an anachronism. That maintains a degree of community control and local control that was suitable for the 19th century and is not suitable for the 21st. If we are going to be competitive at the high end of the job scale – and neither one of us is especially worried about losing $5-an-hour jobs to Mexico, I'm sorry to say, because these are the least productive jobs that add the least value to the product and which will do the least amount to get the Canadian standard of living up to where it ought to be. It's the other jobs that we need. The only way we're going to get those jobs in competition against some of these other societies is if we prepare our children for it. We have to start looking at it in a global sense and not simply a local sense.

MR. DAY: Yeah, I agree. I just don't understand where the federal jurisdiction grants that. But I appreciate that.

DR. BERCUSON: They have to co-ordinate it.

MR. DAY: Yup.

MR. DEPUTY CHAIRMAN: The Chair has been very lenient in the time. We seem to have sort of escaped our 15 minutes.

Bob, would you like to briefly wind up?

MR. HAWKESWORTH: I'm just wondering if, between the two of you, you would in any way support any accommodation to what Quebec conceives or sees as its vital interests in the interest of keeping Canada together?

DR. BERCUSON: We think the Constitution Act 1982 contains adequate guarantees and protections for the language, culture, and distinctiveness of Quebec. We think the history of Quebec since 1960 proves that it has all the tools it needs to do what it needs to do, not only for survival but for a flourishing society.

MR. HAWKESWORTH: So our job is to convince Quebec, who's not yet convinced, of that, isn't it?

DR. BERCUSON: I think that's rather not going to be possible. I think our job is to maintain the position that we have to have a country here, and in order to have a country, certain elements need to be in that country; you're asking us to give up the possibility of having a country in order to make accommodation to your requirements, and we can't do that any longer. That's what our job is.

MR. DEPUTY CHAIRMAN: Thank you very much.

Robin Westin, please. Welcome. Sorry to be late having you start.

MR. WESTIN: I don't think you remember me, but I met you one time when I was about 15. My mother and I were at a constituency meeting, I think in Acme, quite a long time ago.

MR. DEPUTY CHAIRMAN: My goodness; that was 1968, 23 years ago.

MR. WESTIN: It's too long ago, I'd say.

What I'd like to talk about are three issues, three issues which I feel summarize my feelings about the kind of country I'd like to live in, which I think a Constitution should try to reflect.

Those three issues are, first of all, division of powers; secondly, bilingualism; and third, tolerance towards minorities.

Regarding the division of powers, I believe the issue has become: how much decentralization can this country take and still be a country? Now, I didn't originate that phrase. I read it somewhere, but I thought it hit the nail on the head. You hear of Jean Chretien and Brian Mulroney saying they're going to give extra powers to Quebec and extra powers to the provinces and Alberta. So I think that's what the issue has become, but I think the issue should be something different. I think it should be how to allocate the powers and keep both levels of government both vibrant and viable in those discussions of allocation. I'll talk about how I think that should be done in a minute.

5:22

The rationale for decentralization, I believe, is to get the government closer to the people, closer to the regions, closer to the needs of those people, but I think that is becoming less and less a reality today than it was, say, 100 years ago when we were a little bit different in the country. I believe that decentralization is in effect a power grab by the provinces. If that's not true, have you ever seen a provincial government offer any significant concessions to the federal government in the last 20 years during the times that they've had federal/provincial conferences? I believe that in this constitutional crisis we're having, we're not only in danger of losing Quebec; we're in danger of losing the federal government as well, in my view.

Also in regards to decentralization I have a little bit of distrust for provinces; for example, Quebec's language laws outlawing the use of the English language in Quebec. On the other hand, I'm a little concerned that the province of Alberta will not allow French-speaking MLAs to speak French in the Legislature. I also believe that decentralization counters the central notion of the BNA Act, which Prof. Bercuson, quite rightly in my view, alluded to. The central notion is that issues of local concern are dealt with by a province, and issues that go beyond a province's borders or go internationally fall under the jurisdiction of the national government. That's how the BNA Act was set up. For example, oil and gas energy in Alberta was given to the provinces I think in the 1930s, or given to Alberta anyway. So the province of Alberta can produce that gas, ship it within the province, set the price at any price they want, but as soon as it leaves the province, the federal government then legitimately has a right to look into it and to be involved in the setting of prices, setting of volumes, because it now is a national concern; it's beyond Alberta's interest only.

I believe how to make the allocation of powers equitable and make the provinces and the federal government viable and vibrant is to have a genuine negotiation. For example, if Quebec really wants a distinct society, I might as Prime Minister agree to the distinct society in the preamble to the Constitution provided they give me back the notwithstanding clause out of the Charter of Rights. That might be something there. I might give the rest of the provinces, if they want, some limited powers over appointments to the Supreme Court, but nothing like what was mentioned in Meech Lake, in return for their giving up the notwithstanding clause of the Charter of Rights. The implication there is that the federal government gets something in return for giving something to the provinces, which I don't see as happening in Meech Lake. I don't see it happening with the present federal government.

My last thought on the division of powers is in regards to the so-called energy wars of the 1970s. I don't recall reading very much about a conflict between Colorado and Texas and the consuming states like California and New York. It may be because the states have a lot less power in the United States than the provinces here in Canada. There is no issue; any windfall profits went to the federal government in the United States. So perhaps we're going the wrong way; perhaps we should be taking some power away from the provinces.

On the issue of bilingualism, I'd like to quote a statistic that should be in everyone's mind by now but may not be. People were asked in a *Globe* poll, I believe, about whether this language status as it now stands, which is bilingualism, should remain, and 59 percent of the people in English-speaking parts of the country believed that the status quo of our language should remain and 75 percent of French-speaking people said the status quo should remain, should be allowed to exist. For someone who believes in bilingualism like I do, I believe that's very encouraging. The more we can get that message out the better, in my view.

The reason I'm discussing bilingualism in this context of the Constitution is because I believe some people can negotiate it away, and Prime Minister Mulroney has alluded to that: giving language rights to the provinces and not having anything to do with it from the federal government's point of view. I believe that's wrong. I think someone's position on bilingualism depends probably on how they think about Canada. If they think Canada is an English-speaking country, then probably they are going to oppose bilingualism.

In growing up in Alberta, I found it very easy to think of this country as English speaking, at least as a young person. I don't believe it anymore, but I believed it as a young person. For example, I remember the red trucks driving up and down the roadways with Royal Mail attached across the top. There used to be the Royal Canadian Air Force. We still have the Royal Canadian Mounted Police. We used to have the Dominion Bureau of Statistics, which is now Statistics Canada. We still have an English queen as our head of state; it used to be an English king at the time of the war. We had no French counterpart; we had no French queens and kings coming over here. So it was very easy for me to believe this was an English-speaking country and that in Quebec, well, they spoke a different language; they spoke a foreign language. In fact, when I went to school, we learned English, of course, but we had an option to learn a foreign language. What were those languages? Well, it could be French; it could be German, Spanish. But French was lumped in as a foreign language. Well, I believe that we would be making a profound error in historical interpretation if we thought this country was only English.

Lower Canada, which is now Quebec, was not forced to join Confederation. They came in as equal partners with the English. Even though they were ruled by the British and were part of the British dominion, they were not forced to join Canada. To me that means they gave up nothing to come in. They came in because the English wanted to have a Canada and the French Canadians wanted to have a Canada as well. We got the Constitution out of it, but it came from a position of equality.

I also believe that section 133 of the BNA Act contemplated a bilingual nature of Canada. I think it would be appropriate to read a little bit out of that section because I was quite astonished when I read it. Section 133 of the BNA says:

> Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person . . . in . . . any Court of Canada . . . and in or from any of the Courts of Quebec.
>
> The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

You know, it seems to me that French and English were at that time paramount languages and paramount language groups, and I believe they still are today. Only the English-speaking people and the French-speaking people can break this country apart. That's how paramount they both are. Therefore, I believe it's an absolute insult to lump French as a language in with other languages like German or Spanish or Swedish, which is my background. I think it's an insult to French Canadians, and as a Canadian as I define it, as I think of it, it's an insult.

5:32

It seems pretty clear to me that if Canada is French and English, then the federal government has a responsibility to promote French in the rest of Canada outside of Quebec and to promote English inside Quebec, which is bilingualism. I believe this is not ramming French down the throats of English-speaking people, as has been so widely spoken of in the past 20 years or so, but I suggest that it's living up to the original agreement called Confederation. This is a French and English country, to leave aside for the moment ethnic people and aboriginal people, which I would talk about later, if you wish.

My third topic: tolerance towards minorities. I'd like to start off by saying what I think tolerance is not. It's not the melting pot. It's not the United States' way of swearing allegiance to the flag, slapping you on the back, and then all of a sudden you become a good old boy. I believe tolerance is, at the very least, putting up with differences, differences in lifestyle, attitudes, beliefs, and values, and at its best, tolerance is actively promoting in a positive way those differences as a society. I'm not suggesting that every person in a society has to promote those differences, but as a group, as shared values we should.

I'm discussing this particular topic today as well because there are certain political movements today that would like to hide those differences, and I'm speaking specifically of the Reform Party. They love the melting pot concept. I believe they would like French Canadians to go and leave Canada, and then they can hide all those other differences, pretend that we're not different, pretend that we're not black or brown or yellow or white. *We can't hide those things, and I don't believe we should* hide those things. We should let people live as human beings. I also think that the French and English conflict is a test of our tolerance. If we can't put up with the French Canadians as Albertans, are we going to put up with the aboriginals as Albertans or any other minority that comes in, perhaps Sikhs from India? I don't know where this particular quote comes from, but I remember it, and it goes like this: a democracy is measured by its treatment of minorities. And I believe that.

In conclusion, which won't be that short, I don't think Canada should be primarily a product of geography. I call it geography because there are couple of forms of this thing that I'd like to talk about. One of them is regionalism. The Reform Party, again, is hot on having each of the regions equal. Joe Clark came out a long time ago with a concept of Canada called community of communities, where one community in Quebec is different and separate from a community in B.C., and we're all just happy being separate.

Well, all we've got to do is look at history to see where that gets us. World War I is a prime example of ethnic strife causing a great conflagration. Do I need to mention Indian today? Maybe I don't have to; it's all fresh in our memories. Let's talk about India at the time of its independence. Mahatma Gandhi wanted to have a united subcontinent where Hindus and Moslems could live together in one state, but they didn't. They fought each other trying to get from one major group to another, the minorities trying to leave the other group. There was bloodshed like you wouldn't believe. They're not the only ones. The Soviet Union today is another prime example of a lot of ethnic strife. People just can't seem to live under one government. That's what the geographic concept of a country gets us.

I believe Canada should be a product of the mind, a product of ideals: the ideal of bilingualism, the ideal of tolerance. That concept allows us to have turbans in the RCMP. It allows us to appoint Jewish people as chief justice of the Supreme Court of Canada. I believe a French-Canadian Prime Minister did that for the first time in our history. Canada as a product of our mind allows us to present ourselves to the world as a bilingual country even though every nook and cranny is not speaking French or English or both.

I'd finally like to say that I believe in a strong federal government, I believe in a strong commitment to bilingualism, and I believe in a strong commitment to tolerance towards the minorities. That's the kind of country I'd like to see develop, the kind of country I'd like to leave my kids.

Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you. That's a very eloquent statement of your belief of what constitutes Canada. I'm wondering if you would briefly flesh out for us your feeling with respect to the role of aboriginal peoples.

MR. WESTIN: Well, I think I had a major turning point in my political views when I happened to be watching Prime Minister

Trudeau conduct his final federal/provincial conference in 1984 regarding the aboriginal issues. He was trying to get the provinces to entrench in the Constitution self-government for natives. I had gone into watching that particular conference over two or three days believing what everybody believes: that the Indians should assimilate. When I listened to Prime Minister Trudeau talk about what he thought, I changed my mind. I believe self-government should be entrenched in the Constitution, and I believe the federal government should take a leading role to start twisting some provincial arms to make this issue happen so the natives can take some control over their own lives.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. Just a couple of questions, Robin. You mentioned that the federal government should be able to control gas energy product once it leaves the provincial borders. Are you just saying that to energy products, or are you saying that would be everything; that is, beef, secondary wood products, potatoes in Prince Edward Island, lobster in Newfoundland? Does the federal government control all product leaving the provincial boundaries, and if so, on what basis do you see that being effective?

MR. WESTIN: Well, I was using that as an example of an issue that was perceived to be only a provincial concern yet had significant national consequences. I don't believe potatoes have a national consequence, but that doesn't mean they won't become so at some point in the future. I was trying to make the point that something that is obviously a local concern should probably stay within the provincial jurisdiction, but as soon as something becomes of national concern or involves more than one province or involves a province with another nation, another country, then the federal government should be involved. That doesn't mean it has to be involved in everything. If something does become that significant, such as education, which was talked about here this afternoon – I believe the federal government should be involved in education, for example, to set those national standards in order to have Canada develop a national competitiveness.

MR. DAY: So it would be the federal government that would make the decision, then, on which products have national significance.

MR. WESTIN: Yes, I believe it basically would. A lot of these things come about because of a Prime Minister or a federal government that's identifying it as a national issue. I mean, you just have to go and talk to people in one province and then in another and you can get two different views on that same issue. There has to be some arbitrator in those issues, and I think the federal government is the only place where that can lie.

5:42

MR. DEPUTY CHAIRMAN: Dennis, would you like to conclude?

MR. ANDERSON: Yes. Robin, you had a very strong point of view with respect to central powers versus a more diversified power base. I'd like you to consider and respond to two dimensions there. First of all, do you not feel in the world today, when change is taking place so rapidly, that it is difficult if not impossible for any group of people at one central part, no matter how altruistic, to know what's best for those several thousand miles away? Since my other is related, I'll throw them both at you at once. Do you not have any concern in a nation as large, as vast, as ours and with as great a percentage of the population in the centre that the population in the centre, which naturally will control the national government, will establish priorities which best suit that part of the country and which, because of a lack of understanding if not of personal gain themselves, would not have the same effect in other parts of the nation? Don't you have any concern in those two areas? If so, how would you balance those concerns with the positive points that you've raised regarding national standards, national control, national directions?

MR. WESTIN: Well, I think I remember the last question first. I believe that the provinces do have significant power to protect regional concerns. All you have to do is look at the energy problem this country had in the 1970s to see that they did have significant power. So even though it is true that Ontario as the centre of the population group does run roughshod over the rest of the people in the country, I believe the provinces have enough power to overcome that.

MR. ANDERSON: Maybe just to clarify, Mr. Chairman. Certainly in that case it's true and in others where the provinces have exclusive constitutional jurisdiction, although I think we'd all agree that the federal government has used its taxing power to influence those provincial directions in health care and education. If you're advocating more constitutional authority for the federal government, where would the provinces get that ability? How would they maintain it? Where would it happen? If there is to be more federal control, where would that balance be? If we hadn't transferred resources in 1930 by Constitution, how could the province have done that then?

MR. WESTIN: Well, supposing the provinces didn't get that transfer of power in the 1930s on oil and gas, then I would be in Ottawa arguing that we should tolerate some interests in Alberta. I would be fighting to try to get Alberta to have a bigger share of the pie because that's where it's coming from. I mean, I think part of the problem in this constitutional process is that we're trying to delineate all these powers, then we set it down, and that's it; we run with the ball. But that never happens. I mean, if you read about constitutional things, you find that personalities always enter into it, politics enter into it, and there's a tug of war. Sometimes it goes one way; sometimes it goes another.

MR. ANDERSON: So I'm misreading you if I'm thinking that you want to give the federal government more authority in education and in health care?

MR. WESTIN: Yes, you are. I'm not saying give them more. I'm basically saying: let's keep the Constitution as it is, the division of powers. The federal government can use it more in one way, and the provinces can use it more in another way, but in the end you have to negotiate. You want to give something up to get something of more value to you. I mean, that's the process in our free market system. Everybody's supposed to give something up, but in the end it's win-win, not win-lose, and in the last eight years or so it's been win on the provinces and lose on the federal government, which I disagree with.

MS CALAHASEN: That sort of waters down, then, the national scene in terms of what's happening throughout the country.

MR. WESTIN: I don't understand.

MS CALAHASEN: The powers then are being taken away from the federal government, you're saying, and watering down the federal powers in jurisdictions.

MR. WESTIN: Yes. I'm thinking specifically of Meech Lake. I'm thinking specifically of the man who is about to redefine or negotiate our Constitution again, who originated Meech Lake, and that's Brian Mulroney. He gave up powers over the Senate, powers over the Supreme Court. He gave up powers of a distinct society not just in the preamble to the Constitution but right in the interpretive clauses. He would say one thing in Quebec, saying, "You know, you guys are going to get this distinct society clause in the Constitution, and it'll mean something," and he'd come out to the west and say, "Oh, it doesn't mean anything; it's just recognizing Quebec as a distinct society." That's not true once it's in an interpretive clause.

What I'm suggesting is that the federal government should maintain its proactiveness. On the other hand, the provinces should be proactive as well, and out of it you get a resolution.

MR. DEPUTY CHAIRMAN: Thank you very much, Robin.

MR. WESTIN: Thank you.

MR. DEPUTY CHAIRMAN: I'm sorry we have to conclude it now.

The next presenter is Mike Beaton. We really must tighten things up now. Sorry, Mike.

MR. BEATON: Not at all. I figured this might happen. I promise to be as succinct as possible. I actually produced my presentation in written form as well as oral, so I will quickly gloss over the speech and let you read it at your leisure, if that's more convenient.

MR. DEPUTY CHAIRMAN: It'll form part of the record.

MR. BEATON: I can't tell you how happy I am that I didn't have to immediately follow my former professors, Bercuson and Cooper. It's a tough act to follow.

MR. DEPUTY CHAIRMAN: That might have been very interesting.

MS BETKOWSKI: They might have marked you.

MR. BEATON: First of all, I'd just like to start out by saying that I recognize we're in a very gloomy situation in this country. We're in a crisis, but it doesn't have to be as bad, I think, as it may seem.

Drs. Bercuson and Cooper seemed to take a position in favour of a Canada constituted much the way it is with the exception of Quebec being gone in the future and the remaining nine provinces together in a fairly strong federation. I take a fairly different view from that. I see 10 provinces in a united Canada in the future but in a more loosely confederated nation.

Much as I would like to touch every element and aspect of the Constitution and the government and so on, I think I would quickly like to focus on three areas. First of all, the process by which we amend the Constitution, I think, has to be the immediate focus of any government in going into the next round of negotiations, because the fact is that at the moment we don't have a process. We have a formula for amending the Constitution built in, the 7 out of 10 with 50 percent formula, but unfortunately we don't have a process. It was always left up to the evolution of executive federalism. I think Meech Lake has resulted in the total loss of executive federalism as a means of negotiating constitutional change. I don't think Canadians are willing to stand any longer for 11 first ministers going behind closed doors for a weekend and emerging to tell Canada: we've made dramatic changes to the Constitution; it's a seamless web and cannot be altered in any way, so here it is, and we hope you like it. Canadians have very clearly stated that that's no longer satisfactory.

5:52

If that's the case, then how do we go about changing it? I'm not sure that I have the answers to that. Possibly some sort of an amended executive federalism whereby the various governments undertake major public input sessions, like this or whatever form, before going into a first ministers type of conference, negotiating an agreement, and then coming out and putting it to a referendum. I realize again that Profs. Cooper and Bercuson don't have that high an opinion of referenda, but I think that may be a necessary thing because Canadians have demanded active participation in the process. Certainly referenda answer that question. You could put it into some sort of a formula like the one that's built into the Constitution: a referendum would have to be approved by 50 percent of the population in each of seven of 10 provinces and 50 percent across the board. Something like that. I don't know. I don't propose to have the answer. I do, however, feel that that sort of a proposal might answer more questions than some of the others that have been batted around, like a constituent assembly or whatever. I think they need to be defined a little better before we get into them any further.

I guess the bottom line I'm getting at here is that it's a very, very pressing subject, and it's something that has to be resolved very quickly. While I don't endorse buckling under to deadlines set unilaterally by Quebec, the fact is that they will nevertheless go to some sort of referendum in the fall of '92. If there's no progress being made on any sort of renewed federalism for the benefit of all provinces, not just Quebec, they will go to a referendum and they will leave, and I think Canada will be the weaker as a result.

The second thing I'd like to talk about is institutional reform. Certainly, in western Canada anyway, the triple E Senate is a major focus of interest. I think I would agree with Drs. Cooper and Bercuson that the triple E Senate – well, at least a two and a half E Senate, whatever we end up with – is a very important priority of western Canadians, and it should be, but I don't think it's the ultimate answer. I think we have an opportunity in front of us now to make major, sweeping institutional changes to our system of government, and I think it's an opportunity that may never recur. Right now everything is on the table. Not just the Senate but the whole parliamentary system of government that we've used since Confederation is up for negotiation. I think we should certainly very carefully look at the possibility of making some sweeping changes. Whether it's the House of Commons, the civil service, the Supreme Court, or the Charter, the fact is that they all will be on the table in the Canada round of negotiations. I think we will certainly be blowing an opportunity if we don't look a little harder at some of the other institutions of government.

I would suggest, in going a little further on the triple E Senate subject, that in arguing that, it's not our final solution for western Canadians or for any of the regions of Canada. The reason I believe that is because I think it's too easy to blame central Canada and too easy to blame the federal government for policies that favour central Canada. Our parliamentary system of government is designed so that cabinet makes the decisions, and cabinet tends to make decisions – this may sound a little cynical – that will be for the benefit of those areas of the country which will increase the likelihood of their re-election. I don't think we can fault governments for making those decisions, because that's the way the system is designed. So I think maybe in this next round of negotiations we should, as part of the process of institutional change, look at some of the other models of government and try to decide if maybe the Australian model, which is fairly similar to our own, or the American model, the German model might be a more appropriate system, would be more regionally sensitive and more responsive to the peculiar demographics of Canada.

The division of powers is sort of the third area I'd like to look at. I think we have to really work to streamline the division of powers to make for a more efficient, streamlined Canada if we're going to compete globally. I would like to see a renewed federalism, if I can use the buzzword, in which the central government receives the necessary constitutional authority to preserve and effectively speak for Canada on the international stage: external affairs, international trade, defence, and so on. The central government would also have to exercise control over a central bank, over monetary policy, and the various other economic considerations that are obviously necessary if it were to remain any sort of a unified country.

On the social program front, though, I would like to see more decentralization to the provinces. I believe the closer the service is delivered to the people, the more efficient it is and the more responsive it can be to the particular needs of Albertans, for example, versus the particular needs of Newfoundlanders. So I would see a dramatic shift in power in the area of social spending and social program policy to the provincial governments.

Naturally, because social spending and social policy is by far the lion's share of government expenditure, along with that would have to go power of taxation to the provinces. I'm not sure exactly what form that might take. I'm afraid I haven't had enough time to really look at the economics of the whole thing as carefully as I might, but certainly if the provinces are going to take on more responsibility for delivering social programs, they're going to have to be able to raise the revenue to pay for those programs, and they're going to have to be able to count on revenue rather than having to depend on inconsistent federal government transfers.

I wrote into a conclusion here a comment – a couple of comments, actually – that Matthew Barrett, who is chairman of the Bank of Montreal, made in Toronto. As a westerner I tend to shrink from quoting the eastern Canadian banks on anything, but he did really, I think, hit the heart of the situation. He said:

> Looking at the realities of our situation as dispassionately as possible, I see not a set of interlocking, intractable problems, but a unique opportunity, an historic chance, to rework the Canadian miracle, a chance to renew and revitalize what I believe could well become the most dynamic and envied country in the world.

I think the opportunity is there too. It looks very gloomy at the moment, but I think if the political will is there, and I believe it is, there is certainly every opportunity to come out of the whole Canada round of negotiations with not necessarily a stronger Canada but certainly a more unified and more efficient Canada, more prepared to compete in the 21st century.

I haven't really talked about Quebec at all, and I would have liked too, but given the time constraints, I think I'll refrain.

MR. DEPUTY CHAIRMAN: Thank you very much, Michael. Sheldon, followed by Stockwell.

MR. CHUMIR: I'm very interested, Mike, in your statement that the provincial governments would assume responsibility for delivery of most if not all social programs and services. I'd like to suggest that they already deliver these programs, but the fact is that there are many different forms of medicare and social services, for example, throughout the country. I guess the issue for Canadians is: is there to be a continuing role for the federal government in establishing standards such as universality and affordability of medicare so you can go to each province and have the comprehensiveness? Do you foresee a continuing role of that nature, or do you think that's totally counterproductive and every province should just set its own standards?

MR. BEATON: I certainly have no difficulty with national standards; I have a difficulty with federal standards. I believe there was an earlier speaker who touched on that as well, or it was raised, at any rate. I think there is a big difference there. I think national standards can be established, but they can be established by negotiation of the various provinces among themselves in setting those standards. I don't think they necessarily have to be dictated by the federal government. That may be idealistic. I don't know if it's possible or not, but that would be the route I would prefer to see. I certainly realize that the provinces already deliver most social programs, but they don't necessarily pay for them, and the question of paying for them I think has got to come hand in hand with the delivery. I think control over the revenue has to reside with the particular jurisdiction that's delivering the service, and right now I don't think that's the case.

MR. DEPUTY CHAIRMAN: Nancy, then Stock.

MS BETKOWSKI: I bumped the line.

MR. DEPUTY CHAIRMAN: Go ahead.

MS BETKOWSKI: You talk about Meech being the end of executive federalism as we know it because the process was too closed, if I'm paraphrasing you properly. Correct me. Do you think there is a Canadian value beyond a simple consensus? In other words, the voice of the people is heard by referendum, whatever. Is there a value-added component to what is Canada beyond simply consensus? Is that a fair question?

6:02

MR. BEATON: It's a tough one. First of all, I don't suggest that executive federalism is a means, as has been in the past, of the leaders ignoring the will of the people in any way at all. I think our system was set up so the elected officials – in the case of executive federalism, the Premiers and the Prime Minister – go into a negotiation with an understanding of what Canadians want from them. So I mourn the death of executive federalism because I think it worked. It was an efficient system if nothing else, and it was a good means of solving constitutional or program problems the country was facing. But I think the will of the people, which I guess in theory was translated through negotiated positions in the boardroom at the First Ministers' Conference, has now determined that that is no longer the case, that the will of the people is not being heard there. So perhaps a new system where, you know, there's some sort of further public input, value-added input, has to be determined. I don't propose to have the perfect solution for that. I don't know what it is, because I don't think there is a better solution than executive federalism.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Mike, you talked about realizing the dream – and you agree with Mr. Barrett's comments here – of a confederation that keeps us one country while allowing our peoples and regions to shape their collective destinies. Do you see the provinces in that looser confederacy having equal constitutional powers? The reason I ask that is because on page 7 you talk about recognizing the claims for greater constitutional authority for Quebec. Do you mean greater than other provinces or greater than they have now?

MR. BEATON: No. I think what I am referring to is a sort of Meech approach to a quality. In the Meech Lake agreement there was an attempt to reconcile Quebec's demands with the desire for all provinces to remain equal, and that resulted in the unanimity clause in which all provinces had the veto; it wasn't just one that had the veto. So I see a more loosely confederated country, with all provinces more or less sharing the same responsibilities across the board, within which Quebec can realize their own particular aspirations. I'm not sure that they don't have that now. As Dr. Bercuson said, I'm not sure that they don't have that already. But they certainly don't perceive the fact that they have that ability now. So I think it should be possible to reconcile the goals of Quebec and the need for Quebec to protect its Francophone culture and heritage within a more loosely confederated community of provinces, to paraphrase Joe Clark.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Mr. Chairman, I was asked by Ms Calahasen to ask a question – she had to catch a plane – and that essentially is: do you have a position, Mike, on native self-government, and if so, do you have a definition of what that would mean?

MR. BEATON: Well, that's the $50,000 question, isn't it? My view is that the native people of Canada have been given a raw deal for the most part, and I personally support the whole concept of self-government. The difficulty I've always perceived with negotiating self-government is that, first of all, the native people have to have a unified idea of what that is and what it is they want, because on a microcosm in Alberta with the Lubicon debate, there were factions within the Lubicon nation themselves that were proposing different definitions of what they thought they deserved from the government. As far as I'm concerned, it's almost impossible to try to determine what native self-government is across the country until the natives themselves have a unified idea of exactly what that is. If they can come up with their unified idea of native self-government, then certainly it's something that should be pursued, because I think they have the same right as Quebec to preserve their culture and their heritage.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. Mike, you've indicated that in terms of division of powers you would see the federal government having responsibility for things such as defence, external relations, international trade, currency, bank and monetary policy. I'm just wondering: where would you place something such as environmental protection?

MR. BEATON: Okay, the environment is kind of the odd one out on the table of federal versus provincial. You can talk about social programs; they can be neatly gathered together under the provincial umbrella. Fiscal and international relations can be neatly gathered together under the federal umbrella. But it's more difficult when talking about the environment because both governments really do have a stake in it. If push came to shove, though, I would be inclined to leave authority for the environment with the federal government rather than the provincial governments simply because I don't think a river that flows through three provinces is anything that necessarily can be effectively protected or policed by three individual governments. It's difficult because on principle it sort of contradicts the idea of various governments policing their own health care systems or their own education systems to a certain extent, but I think the environment is something that has to require national attention and national protection.

MR. CHIVERS: So if there was an extraprovincial dimension to a question of where power should repose, you would resolve that in favour of the federal government.

MR. BEATON: I don't know if I would leave open a residual powers clause in the Constitution the way the original BNA Act did, but then again it obviously was impossible in 1867 to perceive all the possible future policy requirements of government in 1990. It's equally impossible in 1990 to perceive all the problems that might arise by 2090, so perhaps some sort of residual powers clause is in order that would leave matters with the federal government. But I'm certainly not necessarily in favour or opposed to something like that.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. We appreciate your presentation.

Martin West.

MR. WEST: Hi. I'll read, and I'll try and be brief.

I'm here today as a Canadian, not an Albertan although I work here, not a westerner although I have lived here all my life, not as an English-Canadian or a French-Canadian or a Polish-Canadian or a German-Canadian or any other kind of hyphenated Canadian. I simply am a Canadian. My culture begins and ends with this country, and for that I consider myself one of the most fortunate people in the world.

It's beyond my comprehension why some would wish to destroy this country, and I must say here and now that I deeply regret the actions of both the Alberta and the Quebec provincial governments. They appear to be using this constitutional crisis as little more than a thinly veiled disguise to reallocate powers to the provinces. I am opposed to any province, region, or district being given any more power, authority, or legal preference that would weaken the federal government or bring an even greater imbalance between the provinces. A strong government inside a well-centralized federal system is needed to ensure a united Canada on the international stage on issues of environment, national security, finance, immigration, employment, and the existence of Canada itself.

Canada remains without a doubt the greatest nation in the world in which to live, and if Canada is to survive, we must work together as Canadians and not apart as provinces. I can foresee only disaster arising out of allocating more powers to provincial governments who choose to proceed with large industrial projects without first completing environmental assessments, as the Alberta and Saskatchewan governments have done, or who frequently change park boundaries with only an order in council to allow mining and logging, as the B.C. government has done. I can foresee only a deeper schism developing between the provinces if a department of immigration were handed over to provincial control. How exactly would the provinces enforce immigration, except if they were to disallow new Canadians to cross provincial boundaries? This not only would be a violation of the mobility clause but would draw the provinces even further apart. Perhaps some regional powers would be better off in federal hands.

6:12

Many Canadians have argued for national standards in education, and I believe this to be a good idea. If Canada is to survive and compete in the high-tech 21st century, we must ensure that our children, which are our greatest resource, are given uniformly high education.

In the public document Alberta in a New Canada the question was asked: should Quebec or Alberta or any other province be given special powers? The answer I believe is obvious. In an egalitarian, democratic nation such as Canada all people must be equal before the law and provinces must remain equal before the Constitution. This is one of the most important principles of any western democracy. To assign extra or special rights to some because of their geographic location is to destroy the egalitarian principle of this country, and I fear it would send us quite literally back into medieval political times.

This brings us to one of the questions which was also asked in the document: how has the Constitution worked? Do we have more rights now or before the Constitution? The answer, I believe, is that the Constitution has worked well. The Constitution protects Canadians from governments and other administrative and enforcement bodies regardless of how well intentioned these bodies may be. It is essential that a strong Constitution be entrenched and maintained in this country to ensure the rights of mobility, freedom of expression, and fair judicial process. One does not have to go far to realize that governments will attempt to limit free expression, as the Mulroney government has tried to do with its censorship Bills, and the police agencies and the courts are not always vigilant with individual rights. I would add at this point that I in fact work for an enforcement agency, so I have a little bias.

If anything, some sections of the Charter have been badly underwritten. The description of free expression, for example, is currently undefined and vague. Many Albertans, including myself, believe that a consensual act of communication between two people is a basic right in a free society and governments have no business interfering in this. Yet until Parliament defines free expression in our Constitution, we are vulnerable to the whims of contemporary and many times parochial politicians.

All Canadians today must unfortunately turn their attention to another question that was asked in the document Alberta in a New Canada: should provinces be allowed to secede from Confederation? The answer must be a qualified yes. In a democratic society secession is a natural part of political evolution. No government may force a group of people to remain in a society they do not wish to be a part of, and for that matter, why would we want to force them? Provinces, however, were not built on themselves, and if any given province decides to secede, it should not expect to take with it all that is presently in that province.

In the case of Quebec, for example, the boundaries of this province have changed many times over the past 100 years, and they have almost always grown larger than they once were. Likewise, the many hundreds of thousands of people who live in Quebec and wish to keep their homes there and remain Canadian citizens must be given the opportunity to do so. Northern Quebec natives in the Ungava Peninsula and English Montrealers have already given indications that they would prefer to remain within Confederation. The rest of Canada must give these people the support they deserve to fulfill their political ambitions. We must also consider that the larger the portion of Quebec that separates, the more susceptible the rest of Canada will be to continental pressures.

A monumental responsibility has been given to our governments in the area of constitutional reform, and I hope it will be conducted openly and in full view of the public. The amending formula is a difficult one. It should be. Politicians should not be able to alter this document capriciously to suit their desires or their changeable political needs. I urge the government of Alberta to negotiate for an egalitarian liberal democracy within a strong central government.

I thank you for this opportunity.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Maybe just one question once again on decentralization or centralization of power. Martin, you alluded to that in your remarks and alluded to some areas which clearly are federal jurisdiction now that should remain that way. Are there areas that you feel the province now has authority over that should be under federal jurisdiction constitutionally?

MR. WEST: Constitutionally? I'm not in favour of making any great alterations to constitutional power. I believe the way they're defined presently, beyond cosmetic change, is appropriate.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.
We'll adjourn until 7 o'clock, if we can get back here in time.

[The committee adjourned at 6:17 p.m.]

7:03 p.m. Friday, May 24, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Would you come to order. This is the second session of this committee in Calgary today. The Select Special Committee on Constitutional Reform would like to welcome you all to this session. I will quickly introduce the members of the committee and move on to the presentations, because we found during our first session that time certainly becomes a premium, and we want to allow and permit as much participation on behalf of Albertans as we possibly can.

Commencing with my colleague on my right, the Hon. Nancy Betkowski, MLA for Edmonton-Glenora; then Stockwell Day, MLA for Red Deer-North; beside him is Bob Hawkesworth, MLA for Calgary-Mountain View; beside him is our host of today, the Member for Calgary-Buffalo, in which we presently are, Sheldon Chumir. Moving across the table: our newest MLA, Barrie Chivers, MLA for Edmonton-Strathcona; and on my left, the Hon. Dennis Anderson, Member for Calgary-Currie. I'm Stan Schumacher, MLA for Drumheller.

Our first presenter this evening is Heinz Barkan. I'd invite Heinz to come to the table.

I just should say before starting that the schedule has been designed so that we could accommodate people in 15-minute segments, and we'll do our very, very best to stay with that.

Thank you very much.

Mr. Barkan.

MR. BARKAN: Mr. Chairman, ladies and gentlemen, I represent a small group, the Calgary South Citizens Committee. It's a group of men and women who felt that we're not properly represented at the federal level and have found it necessary to create a movement. We have about 50 committed members, if you may call them such, and we feel we can aggregate about a thousand votes. Unfortunately, they are not in the same jurisdiction.

You have my presentation. Modesty and good upbringing prevent me from actually saying what was said and what the opinion is of the ladies and gentlemen, mostly ladies as a matter of fact. I'm very much surprised at the concern of women in politics on what is going on in Canada. This is why it is a refreshing contribution. Most contributions, of course, are biased, and very few people have the opportunity to present an opinion such as we do. I will read.

Shortly after the devastating victory of the federal Progressive Conservative Party, the need was to find a way to represent the 60 percent or so of Canadian people who found that party unacceptable and loathsome. The Calgary Southwest district was the first one to react. I'm talking about federal. After it became known that very rapid action to protect the citizens and political entities was urgent, the good citizens of Calgary Southeast federal district became interested, and the movement by the name of the Calgary South Citizens Committee was born and informally charged to apprise the citizens of the area of irregularities in the federal administration and ways to express the wishes of those emasculated citizens who were and are denied a voice in Ottawa.

Then came Meech Lake. Meech Lake was created for the benefit of Quebec by Quebec supremacists. Canada and Canadians escaped one of the greatest dangers in its history by the failure of this infamous document. Indeed, one must be grateful to all those outstanding patriots who were instrumental to avert the diabolical Meech and its resulting damage done by those who sided with Quebec against Canada. With a new onslaught by Quebec, apparently aided and abetted by Ottawa, to destroy our country, the great peril we have escaped became clear for all to see.

"Lest we forget" and "stand on guard" must become the battle cries of all informed Canadians from now on. We must still be alert to the dangers that lurk in potent fury within the walls of the Parliament Building in Ottawa and in the back rooms of our rulers and are kept secret from us. We have let ourselves be lulled into a false sense of security by trusting those that are now betraying us, and we are now called, perhaps for the last time, to come to the defence of Canada.

It started with the leadership of Lester B. Pearson, who laid the foundation of the house that shall destroy Canada. His motives are well known. His preoccupation with the promotion of world communism is now recorded history. A weakened Canada would have facilitated the destruction and eventual control of our nation. Pierre Elliott Trudeau, the fanatic Quebec supremacist and radical left-wing politician, erected the walls of that house, but it took Martin Brian Mulroney, the fanatic Quebec supremacist, to attempt to complete that house by placing the roof to top it off, and he almost succeeded with Meech.

We Canadians, new and old, of every race, creed, or colour, would take note that every committee, board, or what have you connected with the Constitution is chaired by someone who sided with Quebec against Canada. Those who only a few months ago sided with Quebec supremacists are now again controlling the constitutional inquiries. If we want to save our great country, we must take matters in our own hands. This must be done without violence but must be decisive and undeterred. We must write and speak for our beleaguered Canada at every opportunity, on Moscow enemies, and we must be steadfast in our resolve to defend our country with every shred of our being whenever we think, whenever we speak, whenever we write, indeed in all our waking hours. When Canada and Canadians are free, one nation, and the evil which now occupies this nation, its oppression, shall be no more, think of the great future that awaits us.

We should also recapture the wealth created by our sweat and blood and extracted from us. We must recover the worldly and material wealth that has been taken from us by our oppressors. It's not so much for ourselves but for those generations of free Canadians yet to come. A tribunal shall be created entirely composed of Canadians, duly selected and chosen by Canadians, not political appointees who can be manipulated and are expected to serve those that appointed them to those lucrative positions, as we have seen in the past, but really honourable men and women, just and concerned but firm and steadfast in their determination to see that justice is done. Those who have taken from us will have to make restitution. Those who have betrayed us, committed crimes, or debauched Canada and its people will have to pay the price like those before them in Nuremberg. This is not just a dream. The world helped feed Saddam Hussein; surely it could help us in our need and render MBM, Martin Brian Mulroney, harmless. We are Canadians, and we are strong. We have suffered, and we have survived Pearson, Trudeau, and Mulroney and their insensitivity, arrogance, and the ineffable debauchery by Ottawa. Now is the time to stand up to be counted.

This is a condensed form of our manifesto, tuned down a little bit, in good taste. Those who seek to take away our human freedom – that is, take away the right of the people to make their own decisions – are evil people. They are not consciously, necessarily vicious but are serving the antinature purposes of negative and evil, and the horrifying thing is that it is usually done in the name of justice and good, and though it is to take away our freedom, is good lest we misuse it. In Nazi Germany, Stalinist Russia, and now Quebec, Canada, people who have the guts to resist totalitarian powers around them are very rare. There were and possibly are in these jurisdictions as well as in our own country those who don't like what is going on, but most manage to convince themselves that things we hear about are not really happening. The point is that even when tyranny is brutal and obviously diabolic, very few people will stand up to it. The majority shrug their shoulders, make excuses, or climb on the bandwagon. When it is done subtly and the only person to be heard is someone else, not us or I, then the incentive to rebel or even complain is greatly reduced.

People who want to take away political freedom don't begin by saying they wish to take away or destroy liberty. They begin by playing on the prejudices against certain groups whether it's Jews, blacks, Roman Catholics, reds, or, as now, non-Quebeckers. Nonpure line, you know, as it is now called. They are able to use the divide and conquer method. They set up some of the population against the rest, and the manipulators end up with the power. The Keith Spicer commission, et al, are good examples. The enemies of freedom will profit. The beginning of fascist victory occurs when some self-appointed group of supervisors establishes that it has the right to decide individual behaviour. Dr. Victor Goldblum is alleged to have received large amounts of tax moneys to author the original Bill 20 which became Bill 21 and finally the infamous Bill 101, the first explicit pure racist legislation in Canada, and he got away with it. This is another abridged speech to Canadians.

7:13

The disregard of those who pledge to represent us and the contention by the Ottawa-Quebec axis on the consequent immunity of those involved in wrongdoing stirs the fires of discontent and cries out for repair. Unashamed discrimination by our servants goes not only unpunished but is ignored. The agent representing the Calgary Southwest district for Ottawa has been made aware of these goings-on. The minister responsible has been shifted to another portfolio. Corruption and incompetence in this department still prevail. In the meantime, that same minister has been assigned, you know, to supervise the department.

As a Canadian living in western Canada, there is no recourse. A result of the administration in Ottawa which cannot be touched is the latest rulings. Mr. Harvie André, faced with more criminal accusations alleged to have been committed by his colleagues, has taken care to protect his confrères from Quebec even if convicted. Our files show that a Quebec politician who suffers from claustrophobia, is stir-crazy, is housed in a hotel instead of in jail where he belongs. So much for asymmetric laws.

Mr. Joe Clark has been commissioned to sell an asymmetric Constitution. It was not so long ago that this very same Joe Clark urged members of the African National Congress in South Africa to necklace proponents of that system: no good in South Africa but perhaps good in Canada. Well, who is supposed to speak for Canada and Canadians? Mulroney, the unashamed Quebec supremacist who said I'm a Canadian just like you and I a few months ago and now says he wants to be distinct and separate? Mr. Chretien, who when the Deputy Prime Minister openly stated that we must stop the economic power of western Canada, we must destroy western Canada, June 1979 – it's in *Hansard* – and promptly created the national energy program, will make good his word. Where was Mr. Chretien then? And the other – the lady from Yukon: after the Ontario disaster I do believe that only those that are fanatics will support her. Maybe the Reform Party will be forced to assume that role.

No decision taken by the present administration must be allowed to stand. With only a handful of Canadians not outraged and opposed to that administration, we would be entirely disregarding the slightest pretense of democracy. An election or a plebiscite, not a referendum, which allows all Canadians to participate, naming the options and allowing Canadians to exercise their franchise is the only answer. Those who did not affix their signature to the infamous Meech are by their submission partially to abstain or made harmless in any part of the plebiscite. There are only two of those still in office. Those who did affix their signature to the infamous . . . It is alleged that many supporters of Meech have large bank accounts in Swiss banks. Alleged. Considering their background, this could very well be so. They should be allowed to have their same rights to participate and a bowl of lentil soup but no more. This should be made law, and disobedience should be punishable by a stiff jail sentence.

We are presently working on a just method of amending the Constitution which would hopefully alleviate most asymmetry and injustices in the Charter of Rights that can be adhered to. As an added remark, I just received the details.

Anyhow, this is my submission. If you want to have some more details, I'm a Quebec refugee. I have seen atrocities which were committed in Nazi Germany. I myself come from Europe, and I have strongly opposed and even fought in this war against my brethren because I do not believe in this system and I don't see, you know, why we in Canada should suffer this. I have seen the crystal night in Quebec when windows were broken because there was an English sign. I have seen the little preschool children, their faces bashed into bloody pulps – photographs on request – by the goons that wanted to indoctrinate them with their philosophy. I see with her that we are not far behind here. I know of a case where a handicapped got thrown out in order to facilitate the institution of French indoctrination of children. I've seen a school, $26 million, named after Lester B. Pearson. I see signs here that worry me and that scare me. I may have offended some people, but I don't think I was strong enough.

I have a solution. We have several solutions. We discussed it. We are told, and we are scared, that if Quebec separates, we are going to die. Quebec is not going to separate. I don't think anyone here present thinks that Quebec will ever separate. They will not. But if there are some Quebeckers that do want to separate . . . I am a charter member and cofounder of the freedom of choice movement. We are some people that are known here perhaps: Eugene Forsey, Dr. Shaw, Dr. Hemsley, Dr. Lee – they call it, actually, the doctor's movement, because there are so many doctors involved in it – Mordecai Richler, Roger Doucet. He's dead now. He used to sing *O Canada* at the hockey games. Actually, we're not fighting but strongly supporting bilingualism. What happened was we were called racists because bilingualism doesn't go in eastern Canada. It is French, and you have to be pure line. As our propaganda minister Mr. Marcel Masse said, he doesn't want to have bilingual people around him, he doesn't want to have French-speaking people around him, he wants Quebeckers who have to be pure line.

Now, culture is fine, and we all should . . . How much have I got?

MR. DEPUTY CHAIRMAN: Well, we're about at the 15 minutes already, Heinz.

MR. BARKAN: Okay. In that case, I think I drove my point home.

I say this without malice, and I overcompensate. The words used in my group are much stronger, and we're much more to the point. I neither believe in radicalism nor in violence. I have seen too much in my 69 years of life and travel three times around the world.

I thank you very much, Mr. Chairman. Is there anything anybody wants to ask? I can substantiate everything I said.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Barkan.

Our next presenter is Joshua Adeoshun. Welcome.

MR. ADEOSHUN: Well, Mr. Chairman, I am very happy to be here today. I'm going to make mine very short now, and I hope everybody will listen carefully because it's something that is brewing in our society. Although we always have promises upon promises from politicians, as soon as they get that title MLA or MP attached to their name, they forget everybody, and they think Canada is okay.

First of all I want to talk about the abolition of multicultural policy, and then I will go into provision of strong employment equity in a new Canada. I will start with the abolition of multiculturalism.

7:23

Well, the present policy by the federal, provincial, and local governments is a way of creating strong unity and interaction among Canadians, also a system whereby people can learn about each other's cultural heritages and religious beliefs. Without any doubt the system has developed to emotional segregation, hostility towards each other, and formation of more hatred groups in our society. It is visible in our country that the thresholds of tolerances among Canadian citizens are growing tenser every day, and in due course the friendly atmosphere attached to the meaning of the policy may turn to irreparable havoc beyond the control of everybody, not to mention generations to come.

To my view, the policy is creating public awareness to some Canadians that some Canadians' cultures are being fine-tuned to suit others' culture at the expense of those who have adapted themselves to their old culture. We should also notice the fragmentation of our society's neighbourly love; it is dwindling moment by moment, resulting in our community's negative integration as the population grows. So without any hesitation our government should find a solution before the tension explodes beyond repair. They should allow each individual or family to practise their religion, culture, or heritage in their domain without any interferences. The government should assist in funding education for new immigrants whose mother tongue is not English or French. Also, create loans or bursaries for those who wish to upgrade their professional qualifications so as to meet Canadian standards.

That's about multiculturalism. It's a little bit short, but I hope you guys can understand it.

I have to go into the employment equity now. While the Canadian government is showing its active role to teach democracy to the outside world, it is very shameful that in Canada people are still being treated like second-class citizens, from blacks to native Indians and women. It is ironical that we are fighting to eliminate injustices in South Africa, freedom of movement and expression in Russia, and even risk lives of our armed forces during the Gulf war so as to bring new world orders. But here in our country many are being denied employment because of their gender, colour, race, and creed.

It is an absurdity to learn that the government at all levels – whether federal, provincial, or local city hall – hired 7 percent of minorities to their work forces in the past five years. Needless to say that some races cannot be trusted to any supervisory positions. Also, it gave opportunities to many Canadian industries that have been skeptical about hiring women engineers, native Indians, and blacks.

Nobody ever does any follow-up to research upon research done to eliminate unequal justice in our society, simply because they are too afraid to lose majority votes. As long as black graduates can drive taxicabs on our roads and then wash dishes in restaurants and deliver mail to their white classmates, or women can remain in our kitchens, natives locked up in their reserves, Canadian society is happy. We don't care. Do our politicians care to find solutions as to why our correctional centres are being overcrowded with nonwhites or native Indians, youths, or why we have many teen pregnancies in one race compared with others? The answer is no, as long as Quebec is recognized as a distinct society.

The future of Canada is not in the hands of French- or English-speaking Canadians; it is in the hands of everybody including our youths.

That's it. It's a little bit short, but I don't have time to . . . They say it's 15 minutes, seven minutes reading and then rebuttal. So if you have a question, you can ask me, but as far as I'm concerned, you guys notice it and everybody has their own conscience. So when you go down to your office, you make a research upon research and find out what I've said. It's nothing like a lie there. We have so many graduate students from the University of Calgary, University of Alberta, universities all over Canada, driving taxicabs. Is that a way of life in the new Canada? That's what is passing as a democratic country, where one race has to be deprived of their rights to work. It's not only that particular person. You are mistreating their family, because if a man doesn't have work, his children will suffer. Then the whole country suffers.

I've been to Ontario, and I've seen so many areas where they said that it's even tougher, where black kids are dropping out of schools every day. What they're doing is just engaging in drugs, selling drugs, and illegal means. Every day we land in the news on television, how they engaged with policemen. These are innocent policemen, but the conditions makes them hostile to people. It's not the question of these people; it's the question of the government and the politicians we elected. The only time we shake hands with the politicians is when the election comes. They talk to you, they come to your house, make you sit down: I do everything, make you happy, this and that. As soon as they are elected, there goes the freedom of everybody, back again to the old idea. So if you wanted to make new Canadians, remember that it's not only French- and English-speaking you have in Canada. You have people from various disciplines and various cultures, and whenever we deny them, we should take a look at our southern borders, the United States of America. They could have repaired it. Now it's costing them millions and millions of dollars to save the lives of innocent citizens, and I hope it doesn't happen to Canada.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you. Just a minute. There may be some questions.

Bob.

MR. HAWKESWORTH: Okay. I'll jump in. I'd like to ask you two questions. I appreciate your presentation this evening. As far as our committee's mandate is concerned, I think two questions present themselves. One is: what are your views about the role of the provincial government in immigration policy? To what extent should the province of Alberta, for example, determine immigration to Canada or to Alberta? Secondly, from your point of view, which level of government, the federal or the provincial level, has been stronger or more effective in promoting human rights or protecting against racism?

MR. ADEOSHUN: Well, the last question first, because my brain is still fresh. I can tell you that none of the governments have ever improved their levels of equal rights. You know, they print it, in their forums they say it, but it's still there. You can understand that whenever there's job openings for a position in the federal government, they put it in the paper. We have about 300 whites that applied, and only 10 blacks applied. If you calculate the mathematical aspect of it, that means that the chances of those black guys, even when they are qualified, to get that job are limited. So I don't know what they want to do about it.

Then about the provincial government. Actually, I don't know what Mr. Don Getty's doing.

MR. DEPUTY CHAIRMAN: I guess your answer, Joshua, would be that they're both the same.

MR. ADEOSHUN: Yeah, both the same.

Then the other one, on immigration. I'm not a politician and never dwell or inquire about immigration, what it is. I only know about what is happening in our society and my view about Canada as a whole. The immigration has never been good to us since the beginning. For instance, now people from Africa, they only give us 1 percent of immigration; 1 percent while Britain is having about almost 16 percent or 20 percent.

Then I wanted to make clear to all the Canadians and Calgarians sitting down here today that I've been hearing recently about dropping down the standard of hiring minorities. I would think that it is just an absurdity for people to think that way, because many blacks who apply for jobs know that they are qualified or think they are qualified. That's why they apply for that job. They don't seek any favour from anybody. Most of them have given up looking for jobs with the federal, provincial, or local government because it's always the same old story. Now they hire these human rights and everything to look after it, but whenever a report is done, it's always an inconclusive report or "We shall follow it up." Nothing is done. I'm telling you the truth.

7:33

My generation is being so soft. The generation after me may be harder than me, and these are the things, because your children, my children have to work together. They have to go to the same schools together. They may not take it easy the way I am taking it now. You know the mind of the youths nowadays is stronger than their fathers' minds.

I hope I answered your question. Thanks a lot.

MR. HAWKESWORTH: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Adeoshun.

The next presenter is John Currie, on behalf of the Calgary Chamber of Commerce. Welcome, Mr. Currie.

MR. CURRIE: Good evening. We submitted a very brief comment, and I don't intend to read it. I'd like to just overview it.

First of all, a little bit of qualification regarding the Calgary chamber. It is the second largest chamber in Canada. It's recognized as probably the most dynamic. We have well over 600 volunteers working on 19 standing committees, which cover areas anywhere from native Canadian opportunities, education, environment to natural resources, international trade, social issues, et cetera.

We have decided that the business community and ours in particular, which represents well over half the jobs in Calgary through its membership, can't stand aside and not get involved in this issue, which is important to us as individuals and as businesspeople. So we have recently created a Canadian unity task force, which I chair, and we will be developing policies which we will be debating among our membership and which we hope to be able to insert into the various processes as they develop within the province and within the federal state. In addition, we will take positions on Canadian citizenship, particularly with respect to the school systems. We have windows into the school systems now through our business partnerships, the school partnerships, and in other manners, so that we feel we have an obligation to talk about this issue with the school population, and we will be doing that over the next few months.

In addition, I can say that a group of chambers was recently brought together with the initiation of the two Montreal Francophone chambers, two Quebec chambers – Quebec City and la province – the city of Saint John, New Brunswick, and the city of Winnipeg. These six chambers called on another 12 of us representing the major chambers from St. John's to Victoria, requesting that we join together in an effort to get involved jointly and to each take strong positions on this issue. We've had one conference so far in Winnipeg about three weeks ago, and the result was unanimous both with the Quebec chambers and all of the non-Quebec chambers that the business organizations of the chambers of commerce have an obligation to take a leadership role.

There were some policy statements developed over those two days, and they are within our brief, really. One is that the status quo is no longer available to us and can no longer be supported. Secondly, these discussions have to be a Canada round and not a Quebec round. All Quebec chambers that were there were in agreement with that sense. We also felt as businesspeople that Canada is certainly not competitive in a global context in many, many areas, that our costs of government are too high through too many layers of government and bureaucracy, not just politically but in so many other areas of policy and regulatory fields. We also, of course, felt that our education is letting us down, that our standards nationally and federally are not of the level that is required for us to compete globally. Naturally, being business organizations, we will be concentrating more on those areas because we feel more comfortable with them.

But this particular chamber, the Calgary chamber, will probably put as first of its priorities the need to address the aboriginal issue. The Calgary chamber is the first chamber to have ever initiated an opportunities thrust for native Canadians. It's been in existence 12 years, and now many other chambers in Canada follow that lead. Native Awareness Week this week is the thrust of the Calgary chamber. I may say in the last three years it's grown so rapidly that all of our meetings were sold out, lunches were sold out, et cetera. There is a very strong sense in the business community that fairness has not been done, that the business community has to provide greater opportunities to our aboriginals, and we are working together with them with some degree of comfort. Admittedly it's complex; we don't have the answers. But on both sides there's a distinct generosity of spirit – should I put it that way – in attempting to find answers. It fits in very well with our whole question of the deterioration of values in the business community and perhaps the exploitation of resources. And so I may say that we feel we are learning a great deal from our native brethren.

The area of school systems. Strangely enough to some it seems that the children are looking for some leadership from businesspeople – they're worried about their futures, their careers – and so that area we're looking forward to. We are astonished that a very amateurish or superficial poll that we did in the Calgary public system found out that it's very hard to find a Canadian flag. It's very hard to find any classroom that's singing *O Canada*. This is within the discretion of the teachers, and this type of citizen expression is just about lost. So we intend to concentrate on some of those areas which we don't think are superficial.

Now, I may say that we don't set ourselves up as having the answers to the Canadian problems. We do feel that a lot of our social issues in this country are caused by poor structures. We are in a federal state, and this federal state is a difficult one to manage, and in our sense it's not working. We're not suggesting that we throw out the federal state and become a unitary state, but we do feel that perhaps the Quebec crisis and the Oka crisis and these other crises may in the long run be a good thing in that they are forcing us to take a very serious look at the structure of this nation, and it is not working. So we are hoping that out of this we can add something to the dialogue so that we can feel there will be more efficiency, more fairness in the government structures federally and provincially by the time this process ends.

I'd be happy to make observation on anything other than where are we going to be in 20 years time with or without Quebec, or something like that.

MR. DEPUTY CHAIRMAN: Sheldon.

7:43

MR. CHUMIR: Well, John, thank you for your presentation. As we all know, there's been a strong push for decentralization from Quebec and some other parts of Canada, and I'd appreciate it if perhaps we could hear the view of yourself and the chamber with respect to what role the federal government should be playing in terms of, for example, establishing minimum standards as they presently do with respect to medicare and social programs. Perhaps you might also comment whether you would envisage a federal role in education and in the environment, and if so, what role?

MR. CURRIE: Well, with respect, in the context of this brief and in the context of the work of our unity task force, we have not reached conclusions to those issues. We intend to spend a great deal of time on study and hearing briefs from experts in the fields, but I think I can say, from the resolutions that we passed forward to the provincial government and the federal government, that we feel very strongly that there has to be a federal/national role in the setting of standards in education and the establishment and maintenance of standards in environmental issues.

I would not go so far as to say that we suggest that education become a federal matter under federal jurisdiction. In fact, I'm not certain what type of federal state we should end up with at the present time, and you have to, as you people are doing, try to jump a hundred years away, distance yourselves from thinking a hundred years old and a society for which our Confederation was established a hundred years ago. But there's no doubt in our minds, particularly with respect to education, that national standards are required and that all the provinces are going to have to reach and reach very far to meet these standards. There's some work being done right now, and the Alberta government, the Alberta Research Council, is supporting it.

With respect to medical areas, this is a personal one. I think there should be a national medicare system with national medicare standards. However, I do feel very strongly that a lot of the difficulty in the medicare system is local and domestic and can be resolved locally and domestically. The Hyndman commission report and recommendations we endorse fully. In fact, at the Alberta chamber tomorrow there will be a resolution that there ought to be user fees. Our particular chamber says that's not getting at the issue. That's band-aid. Let's go back to the Hyndman report, which gets down underneath to find out these problems. So from that point of view, I don't think that could be done from Ottawa. That will be best done locally.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks, Mr. Chairman. John, does your chamber have a position in terms of support or nonsupport of triple E Senate, and if you are in support of that as a concept, are you working to bring the Quebec chambers onside on that issue?

MR. CURRIE: No, we don't. We have generally a position that there must be a substantive change to both political institutions, Senate and Commons, to provide more appropriate regional representation. I think most people that I talk to in the chamber endorse the triple E Senate, but we have not taken a formal position with respect to that. At our meeting in Winnipeg the Quebec chambers couldn't understand why we thought that was a solution to very much that was wrong with the country, so there is a gap in perception. I don't think it's a difficult one for them though. We haven't sat down and negotiated with them. They're concerned about other matters, and Senate reform, to the extent that our discussions went, was not an issue for them. Aboriginal rights is a major issue for them as well as for us.

MR. DAY: Mr. Chairman, my second question is just on that point. On the aboriginal rights and land claims, has your chamber or the chambers you're working with come up with a definition of self-government, or are you advocating the idea of aboriginal self-government?

MR. CURRIE: At the present time we're suggesting that the land claim issue has to become a priority, and we have to get serious and honest about it. I don't know if we ever will come out with solutions ourselves. I don't know if we're qualified to say self-government is the right way or partnerships is the right way or stewardships is the right way, but I don't want to prejudge our group.

MR. DEPUTY CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Chairman. John, you dealt a little bit with the distribution of powers and indicated that you would support national standards for education in particular and talked about some others. Would that national standard be established by the provinces, given their jurisdiction for education, getting together to establish such a standard, or do you in fact envision the federal government itself setting standards that the provinces would have to follow?

MR. CURRIE: My own personal view is certainly that there has to be a dialogue. There has to be a collaboration. I think at some time, though, a decision has to be made by a government which is working within the world community more than a province is. I think the federal government has a better understanding of our competitors and the competition levels in Germany and France and Italy and Japan than does the province. But it would bother me that some bureaucrats or politicians sitting in Ottawa would say to Alberta, British Columbia, or Newfoundland, "Now this is the standard; meet it" and have no consultation. But when you get into the dynamics of how you reach a settlement on consultation, I haven't thought that one through.

MR. ANDERSON: That was my follow-up question. I suppose we all would agree with national standards and with raising those to as high a level as Canadians can meet, particularly in education. The question is in determining what those standards are and who establishes them. Is there not a fear that the needs and concerns, in fact the competitive advantages, that are required by the most populous parts of Canada will gain the most consideration in those educational standard developments and that those particular needs, be it in Newfoundland or Alberta, might not be as readily met by a federal government established standard as opposed to provinces ensuring that their requirements are part of whatever standards are established?

MR. CURRIE: I'm not suggesting this is easy. My concern is that the output is not working. When a high school student completes and obtains his certificate in Germany, that student has been in school two years longer than an Alberta student. Two years longer than an Alberta student. So in the very leading developed countries, where we really are competing, we're running up continually against this that we're not matching now. I think it's a new world. In talking to the native Canadians this morning, Chief John Snow talked about the need for more industry and the need for more employment in, say, Morley, and it's always bothered me that it's difficult to provide that because of the cost on an economic basis. How do you cover transport? How do you cover all these things? But today, with proper education in computers, word processing, and electronics it doesn't matter whether it's in Morley or it's 2,000 miles away. With electronics and telecommunications I think the natives can start competing. I'm not saying next year, but we work on that thrust. So that's the type of thing where the local disadvantages of Newfoundland or Morley may not be as serious as they were 10 years ago, five years ago.

7:53

MR. ANDERSON: Mr. Chairman, I know you want to move along and that we're too long into our session, but this is a most interesting question, and I appreciate those examples. Does the Calgary chamber have no fear that if we move to a national standard and national funding on education, the position we're in now, which in Calgary is the highest education in the country, the highest education standard here will not be reduced to that average as opposed to an increasing overall average? The dollars obviously have to go somewhere.

MR. CURRIE: No fear.

MR. ANDERSON: No fear?

MR. CURRIE: No.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Very briefly, Mr. Currie. I was intrigued by your comment and description after your meeting, your conference with the other chambers in Winnipeg. You indicated that you felt that the status quo with respect to relations with Quebec was no longer available. I'd just like your thoughts on what form the relationship might take in the future.

MR. CURRIE: Well, we had a lot of agreement. There were areas of great agreement, both in what's wrong and in solution, especially in the business end. I talk about overlap and standards and these things. We don't have a problem with their concern about language and their concern about culture and their concern about distinctiveness. That's no problem to any of the chambers that are non-Quebec. So we perhaps started from a different place on the track than many citizens of Canada. We may have some stretching to do, but we think that the price of losing this great country is just so foolish. So they were representing 18 major chambers in Canada. All came to that conclusion that the prices paid if we let this happen are so enormous and are so rash and irresponsible and perhaps immoral, because the strengths of this country are so phenomenal. The Quebeckers around the table – after two days of talking, we were not that far apart, except perhaps in accents.

And you recall that Quebec City is a twin of Calgary. We've never done much about it except have Bonhomme out to the Stampede, you know, and a cowboy goes down there. But we really haven't worked it as well as we've worked our sister city in China. So we talked about that, and this chamber is going to insist that we get those things back.

MR. CHIVERS: I'd like to pursue this topic with you, but I think the chairman would like us to move along. Thank you very much.

MR. CURRIE: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

The next presenter is Stephen Kahn. Welcome.

MR. KAHN: I'll try a new mike. I'm left handed.

MR. DEPUTY CHAIRMAN: Nice to have you there. As Dennis says, it's a change of perspective, and it's refreshing.

MR. KAHN: Probably will be.

Well, thank you. Good evening, Mr. Chairman, committee members, audience. I would like to start my presentation with a definition: separated from others by qualities, different in quality or kind. I will refer back to this a little later on.

Mr. Chairman, I am not a lawyer, constitutional or otherwise, but simply a Canadian who has been steeped in Canadian history since a child and whose roots go back in this country a very long and very proud time. It seems to me that the biggest problem we have in this country today is politicians. All smile at that one. Politicians who think of themselves before they think of the people they are elected to serve. Politicians who don't listen but just do as they are told by their leader, whether he be a Prime Minister or a Premier. Politicians who don't seem to care. Example one: when I pointed out that it cost over $100,000 to fly Mrs. Mulroney home two days early from an African conference, my MP said, "Oh, you're talking pennies." Well, I would like to have a few of those pennies. Two: keeping track of our money. *Calgary Mirror*, January 2. I'll show you a photocopy of it. I love the first one. They point to a study of the fool in the historical development of western civilization: $24,450. They need not have done the study. I could have told them that the Canadian taxpayer is the fool in this country. I could go on and on, but I'll spare you. But there are some things I won't let you off the hook on.

Prior to the death of the Meech Lake accord, I phoned the following people to discuss the Constitution. One, my MP Mr. Lee Richardson; two, Premier Getty, twice; three, Mr. Peterson, then Premier of Ontario; four, now Senator Claude Castonguay; five, Harvie Andre, MP, the Tory House Leader, I believe he is called; six, the Prime Minister, Right Hon. Brian Mulroney. Not one, and I repeat not one, returned my phone call. On a matter of national unity not one of these people thought it important enough to talk to one of its country's citizens. As a matter of fact, when I asked the assistant of one of the above why I couldn't speak to the person, the answer was, "He hasn't got time for you little people." How's that for telling us average people where we stand with government? We don't count except on voting day. Do you want to know who said that to me? Maybe you don't, but I'm going to tell you. None other than the Prime Minister's office: the most sensitive political office in the country. So this is what it appears to be, a charade being played with my country, no less. No doubt my brief, like so many others, will just be tossed in the scrap heap. I'm only a peasant and don't count, according to the PM and the other six mentioned above. But I couldn't face my children or my grandchildren, if I'm fortunate enough to have any, if I didn't appear here and try.

But now to get on to the nuts and bolts of this meeting, some of my thoughts on a new Constitution. One, a Constitution should have as its opening remarks a statement of general principles of what our country stands for, such as a compassionate society, equal justice for all, freedom from sea to sea, national standards, et cetera, et cetera. Two, there should be a statement that all Canadians are equal and should be seen as equal. There should be no distinct society, unique character clause for any group, as these terms have the connotation of better or superior and are reprehensible and unacceptable to many Canadians. Refer back to the *Oxford English Dictionary* definition I mentioned at the beginning of this presentation. Of course, one exception: if you will ensure that put into the Constitution is a clause saying, "Steve Kahn and his descendants are a distinct society," well, fine; then it's okay.

But seriously, tell me: before you followed Premier Getty blindly and voted to adopt Meech Lake three years ago, didn't one of you look up the meaning of these words in a dictionary? Didn't you realize the problems these words were going to cause? I've given you one dictionary definition. How about you giving me your meaning of those words or, better still, the government of Quebec's meaning of that term? If the price we have to pay to keep Quebec in Confederation is to make you and me second-class citizens in our own country – and I contend that is what those words do – then I say the price is too high. If Quebec can't live as a province in Canada, albeit as guardian of the French language and their culture, then it has to be sovereignty, not sovereignty association. I'm not going to have non-Canadian Quebeckers attending a Canadian Parliament and telling me what to do. We in Alberta should start talking to B.C. and perhaps the Yukon to form our own distinct society and our own social and economic agenda.

8:03

Three, the present three-year timetable for ratification is fine. It probably should be lengthened, not cut short. Since constitutions last for a hundred years, we, all Canadians, had better be sure we get it right the first time.

Four, the Senate as presently constituted should be abolished. It's only a patronage barrel.

Five, the formula of 50 percent, seven provinces seems to me to be a good formula for amendments to the Constitution, especially with a majority required in each region. Remember, I'm not a constitutional lawyer or any lawyer.

Six, MPs and MLAs should be elected for a two-term maximum. They should get no pensions but instead receive one-month's severance pay for each year served up to a maximum of six months.

Seven, national referenda on national issues such as the Constitution, GST, items that cannot readily be changed through a change in government, should be mandatory.

Eight, since MPs, MLAs, et cetera are representatives of the people, there should be mostly free votes whereby they are to vote the way a majority of their constituents want.

Nine, MPs and MLAs should be more accountable for their votes. That is, if a government suggests in a budget that a certain measure will have a 1 and half percent inflation rate and the rate turns out to be 2 and a half percent, then the MPs, et cetera, certainly those voting for the measure, should lose a portion of their salary for, say, every half percent that they're out on their projection. If employment measures are estimated to create 50,000 jobs and instead 30,000 jobs are lost, then again a portion of their salary should be forfeited. Conversely, if a better result is achieved, then a bonus should be paid to those legislators voting for those proposals that were successful. You'd certainly be more careful in your numbers.

Ten, MPs, MLAs, et cetera should not – and I repeat not – receive any tax-free allowances. There should be taxable benefits against which they can claim legitimate expense deductions to the tax man like everyone must do. They must not be seen to be a distinct or superior group to all other citizens.

Eleven, immigrants to Canada shall not be entitled to any social benefits for a period of, say, five years. I believe one should contribute first before you take out of the system.

Twelve, governments should be obliged to have balanced budgets, again on pain of losing some salary for the people involved.

Thirteen, unemployment insurance should be returned to what it was originally intended for: a coinsurance program of a limited length of time, not a welfare program.

Fourteen, within the next 20 years or so clean water and its availability will become the most precious natural resource we have. Albertans had better make sure we have our fair share.

These are some of my thoughts relating to government in general. Some of these points relate to the Constitution itself while others have to do with the economics of the country. I expect that many points can be debated from various points of view, but I feel that that is exactly what should be done. They should be examined and discussed by all Canadians through referenda, public meetings, this kind of thing, et cetera, and if it takes five years to get it right, so be it.

I hope some of these ideas may be helpful in finding a solution to our current constitutional problems. I remain hopeful that solutions can be found, but they must be fair to all Canadians, not just one group, province, et cetera, and they must not be pushed simply to get the job done.

I thank you for hearing me.

MR. DEPUTY CHAIRMAN: Nancy, followed by Sheldon.

MS BETKOWSKI: Thank you for your presentation, sir. It's very helpful. With respect to your comments on referenda, we had quite a few discussions on it this afternoon here in Calgary.

One of the questions we have is: if there were a national referendum on a particular issue, and given the geographic and demographic makeup of Canada with obviously the centre having a greater portion of the population, what happens if in a national referendum you have a split in terms of your vote? If you've got, say, Alberta voting for something and the rest of Canada voting against it, what kinds of mechanism should be put in place in a referendum?

MR. KAHN: My thoughts would go back to this 50, 70, with a majority in each region.

MS BETKOWSKI: Return to the amending formula as the test?

MR. KAHN: That's right. I think that provides you the protection, and it provides Quebec, for example, their protection to solve that problem. I don't know. Remember, I'm an average citizen; I'm not a constitutional expert. I think that would solve the problem.

MS BETKOWSKI: Thank you. That's helpful.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Mr. Kahn, in your quick outline of the statement of general principles that might be considered, I heard you very quickly mention something in respect of national standards. I'm wondering if you could . . .

MR. KAHN: I'm almost afraid I've said it, having listened to the gentleman before me.

MR. CHUMIR: I wondered if you could elucidate. I would like to ask pretty well the same question, as to whether or not you're in favour of some common denominator in respect of standards for medicare and social services.

MR. KAHN: The short answer is that I am.

MR. CHUMIR: What about education and the environment?

MR. KAHN: Well, after listening, as I said, to the gentleman before, I think I have basically his thoughts. Again, as a businessperson I'm concerned that we've got to have our youth or the next generation as well as our own competitive, but I think in general that I was thinking more of the medical aspects. I happen to come from a family where my father was sick for six years before medicare, and we lost everything. I saw a whole family's life-work down the drain on one illness, so I'm a great fan of medicare whether there be $5 surcharges or whatever they call them, balanced billings, et cetera, as long as there's a provision that if you can't afford it, you get the medical care anyway.

In terms of education, I sense that you have to have some strong input from the province because, as it was pointed out, obviously the concerns of, let's say, Ontario or Nova Scotia or something may not be identical in terms of what you're studying here; you know, even in engineering. As a general rule you're not going to study oil engineering in New Brunswick; perhaps and perhaps not, but certainly the emphasis would be more here. So I think the province would have to have some say in it, some strong say in it. But I think in some ways a national standard appeals to me, if I can put it that way. I guess I'm more of a federalist than a strong provincialist in that respect.

MR. CHUMIR: In terms of that national standard, if I can anticipate Dennis Anderson, does that necessarily involve the federal government in establishing those standards? Do you think that's the only practical, realistic way of doing it?

MR. KAHN: Well, I think they'd have to be in consultation with the province. As I said, I think the province has to have a strong voice, but I don't know whether – I really haven't thought it closely through. That remark was made simply to give you an example of what I think a Constitution having . . . If I'm not mistaken, when I took a quick look at the Meech Lake accord, it had nothing but dry bones at the beginning, and I think that a little flowery language goes a long way with a Constitution.

MR. CHUMIR: And the environment?

MR. KAHN: Definitely I think the province and the federal. The federal has to, because you're dealing with other countries. You're dealing with everything in it, so it would have to have an input. But I think both; you know, you can't have one or the other. I guess the short answer to your question is: do we need both parts of the government or should we just do away with one? Obviously provincialists would say, "Well, do away with the federal," and the federalists would say the opposite. I don't know if I have any more comment on that.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. Mr. Kahn, you commented on the timetable for ratification. I'd be interested if you could elaborate on that a bit more.

8:13

MR. KAHN: I just think we have to take as much time as it needs to get it right. I said that from the beginning of Meech Lake. Meech Lake, in my mind, was done in secret by people and never explained. I spoke to my MLA a little while ago, and I asked him, "How come you send me all kinds of questionnaires on the economics of the province, on education?" I said, "I never saw one question on Meech Lake." His answer was, "Nobody was interested in it." Well, that was incorrect. An awful lot of people were interested. I get people by the hundreds in my office saying, "My God, I don't like that 'distinct society' term," or "I don't want this." I see a lot of interest in my office on that score.

So my answer to you is very simple: if it takes five years, so be it. Take five years; let's get it right. Now, I realize that Quebec is in a hurry. That's their problem, from my point of view, or our problem in the sense that you didn't do it right. You guys, all of you, whether federal or provincial politicians, just didn't do it right. If "distinct society" was correct, again I go back to my question: what did it mean? Nobody in this province, in the government, ever explained to Albertans what it meant. They all said, "Oh, it's nothing." Well, it isn't nothing, not in my definition. Therefore, after Mr. Getty approved Meech in the "secret 11 deal" – I think you should have spent the last three years before you voted on it telling Albertans why you thought it was right. You never bothered. Therefore, I say take five years if you need five years.

MR. CHIVERS: Well, I think there's a lot of agreement that the process of Meech Lake was flawed and that the product was flawed. I certainly agree with you that we need to take our time. That's why we're here soliciting people like you.

MR. KAHN: But I also get the sense that one of the strong remarks, certainly by the Prime Minister, is that we have to shorten the time so that this can't occur: a Mr. Wells or a Mr. Harper, et cetera, disagreeing. I say that's absolutely wrong. We should take longer not shorter, until we're all happy with it or a majority of us are happy with it. I guess I stand out as the oddball.

UNIDENTIFIED SPEAKERS: No.

MR. KAHN: No? I guess I'm not the oddball then. Sorry; I certainly felt like it.

MR. DEPUTY CHAIRMAN: Bob?

MR. HAWKESWORTH: Thank you, Mr. Chairman. Do we have a copy of your written . . .

MR. KAHN: No, you don't.

MR. HAWKESWORTH: I'd really appreciate if you could maybe leave it with John so all of us can have copies.

MR. KAHN: I just have one. Maybe you can photostat it.

MR. DEPUTY CHAIRMAN: It can be copied.

MR. KAHN: I purposely didn't give a copy. I thought I was the oddball, and I thought it was shock value, quite frankly. It would appear I'm not. I understand that in Edmonton today an awful lot of the same sentiments were being heard, from what I heard on the radio this afternoon.

MR. HAWKESWORTH: I really appreciate the thought and efforts you've put into your presentation tonight. You've given lots of good suggestions. There is one that I'd like to ask you about, some thoughts or suggestions, and that is your comment about all Canadians being equal. At the same time, Canadians are different; that is, in Quebec there's the Civil Code as a basis of law; in the rest of Canada, it's English common law.

MR. KAHN: Can I ask you just one quick question on that?

MR. HAWKESWORTH: Okay. Sure.

MR. KAHN: Can you name me three laws of Quebec, with their different law, that make a material difference to their citizens? In other words, if somebody there kills somebody, they go to jail the same way we go to jail here, or if they have a traffic infraction, they get a parking ticket the same as we do. What are the basic differences? I've always wondered about that. Do you know? Everybody uses this as a reason, but nobody gives me the answer.

MR. DEPUTY CHAIRMAN: Mr. Kahn, I'll say this. You're referring to criminal law, and there is no difference in the criminal law. The Criminal Code applies in Quebec as it does everywhere else in the country. What we're talking about is on the civil side. Their system of civil law is entirely different from the rest of the country.

MR. KAHN: That makes them different but not distinct, in my mind anyway.

MR. DEPUTY CHAIRMAN: Well, I'm not going to argue that point with you. I was explaining to you what the Civil Code is.

MR. KAHN: Yes, I appreciate that. Please forgive me. I lived in Quebec for 30-odd years. I was born and brought up there, and that's why I asked the question, because I've never found . . . Mind you, as a child, what was I going to find?

MR. DEPUTY CHAIRMAN: I guess if you had an estate to deal with, you'd find that property was distributed differently. If your marriage broke down, you'd find that certainly the community property laws are entirely different.

MR. KAHN: I can agree with that, but again I'll come back and simply say that to me that's a difference, not a distinction. That does not make one distinct or, in my definition, superior.

MR. DEPUTY CHAIRMAN: In any event, we'll get down to questions about the future rather than rehashing the past.

MR. KAHN: I'm sorry. Yes; I agree.

MR. HAWKESWORTH: No. This is exactly what, I guess, I'm getting at and the kind of discussion I'd like. How do we recognize our differences without falling into the problem, that I think you've correctly pointed out, of creating two classes of Canadian?

MR. KAHN: If you take the Meech Lake accord, the first paragraph or two said – and I'm not quoting; I certainly don't have it with me. It said something about where it is recognized that most English-speaking people live outside Quebec but not exclusively, whereas most French-speaking . . . That is all. And we're all Canadians. That solves the problem from my point of view.

MR. HAWKESWORTH: Okay. I'm glad to have met you.

MR. KAHN: I guess I'm against the idea of having Francophones, Anglophones, allophones, telephones, and every other phones. Okay? We're all Canadians.

MR. HAWKESWORTH: I appreciate what you're saying. Thanks.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks, Mr. Chairman. Mr. Kahn, you've got some intriguing comments, especially as related to sort of a commission approach for MLAs and MPs. I might want to pursue some of that.

MR. KAHN: I thought you'd enjoy that one.

MR. DAY: Actually, you talk about the free vote. I'd like to pursue that a bit. If I can plug a commercial here, I do have a motion on the Order Paper in our Legislature here asking for elections to be set every four years, thereby enabling MLAs to have a degree of free vote. This is on a set date. You may also be interested to know that in discussing that with the Premier, as I discussed it with him personally he was very open to that debate coming forward and was looking forward to it. He wasn't closed to that at all.

MR. KAHN: You must be the only person he talks to. He certainly didn't phone me back. I guess he was busy playing golf or something.

MR. DAY: I'd like to go on, though, and pursue the question, the question being this, because it's one I have even though I have this motion on the table. Are there times that you would see, other than a direct nonconfidence vote, where the government in fact could or should fall if the government lost a vote? Are there times where it would fall, given this freedom that I'm talking about here?

MR. KAHN: I'm probably not well versed enough to give you a proper answer. I don't know enough. I don't really follow that kind of thing. As I say, I don't know. I just don't know.

MR. DAY: Okay. I appreciate that.

In the other area of two terms for MLAs and MPs, what about the situation – perish the thought that it could happen – where an MLA or MP was actually well thought of by his or her constituents and doing a good job, and this law was in place, and they said, "You are overruling our right to vote you in a third time just as much as we have the right to boot you out." Is there any thought there?

MR. KAHN: My answer would be simply: that's too bad; there are other good people around that will take their place.

MR. DAY: Okay.

Senate reform: triple E. Are you a supporter?

MR. KAHN: I haven't made up my mind, quite frankly. I don't know whether it solves the problem. Okay?

MR. DAY: Okay.

MR. KAHN: I'm not against it. I certainly would rather have an elected Senate than the patronage system there is at present, but I don't know if it really solves our concerns as Albertans.

MR. DAY: So one E for sure. Okay. Thanks.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Kahn.

MR. KAHN: You're most welcome.

MR. DEPUTY CHAIRMAN: The next presenter is Denis Biswanger.

Good evening and welcome.

MR. BISWANGER: I'd like to thank you folks for allowing me to speak tonight. I'm representing myself.

MR. DEPUTY CHAIRMAN: You're a very important person to us.

MR. BISWANGER: Well, thank you. I was born and raised in Alberta, and I've seen a lot of changes over the years. Most of them have been good, and I'd like to see that pattern continue. I think some of the things that are happening around us have got the potential to affect us very adversely.

UNIDENTIFIED SPEAKER: Could you pull the microphone a little closer, please?

MR. BISWANGER: Like that?

UNIDENTIFIED SPEAKER: That's better.

8:23

MR. BISWANGER: Okay.

I'm not a parliamentary expert, so rather than defining the kinds of things I'd like to see, I'd like to talk about things that have happened and illustrate what I don't like and what I think should be changed. For example, in Canada as it's presently laid out we have Quebec, we have Ontario, and then we have a group called TROC, which is the rest of Canada, and this seems to be a recurrent theme in many of the publications that I read. I find that kind of offensive. I think there's more to Canada than just those three groups.

If you take a look at the economic activity in this country, in 1990 alone something like $40 billion-odd in real estate transactions took place. Now, $20 billion of that occurred in Ontario. There was another $10 billion that occurred in B.C., another $4 billion that occurred in Alberta, and another $3 billion that occurred in Quebec. The thing that I think is interesting about this is that you have Alberta now with the third largest real estate economy in the nation. If you work it out on a per capita basis, a province with the population of, say, Quebec should be churning over or should have a level of real estate activity of some $10 billion to $15 billion per annum. I think this indicates some rather serious problems within that provincial economy.

The other thing that I think is interesting is that the relatively high level of activity within Alberta has been developed and has occurred without any great participation or interest on the part of the federal government. This is a homegrown phenomenon.

Now, from a study that was conducted by Dr. Mansell – apparently it came out in the round table discussions that preceded this – he did a series of calculations in which he added up all the federal taxes that were taken out of an area and then deducted from that the transfer payments by the federal government back into that area, giving a net contribution to or extraction from. Using those numbers over a 10-year period, and I'm sure this not new to anybody here, Alberta was a net contributor to the dominion of Canada, or the Confederation, I guess, of some $100 billion. Over that same period of time we had a net injection into the Quebec economy of about $105 billion. I think a couple of things come out of that. One is: what has the country, Canada as a whole, received for this very disparate allocation of funding? What has Alberta received for its great contribution over these years? I haven't seen, looking around this province, a heck of a lot of activity going on other than what has been generated right here. We seem to be standing on our own very, very well, and I think we could do an awful lot better if we had – how would you call it? – less interference from the outside.

Back at the beginning of the decade – you all remember the national energy policy. This was probably the vehicle that started this extraction of funds from Alberta. In Calgary the average value of a home dropped from about $108,000 in 1981-82 to just under $75,000 in 1985. Now, this was an over 35 percent decrease in real value. It demonstrates an amazing extraction of wealth from this area. The government of the day was questioned on this, and the best they have been able to come up with to this point in time is that this was an unexpected side effect. They didn't see the foreclosures; they didn't see the bankruptcies; they didn't see the migration of people out of this province. It took a complete change at the federal level in order to have that policy reversed.

As near as I can tell from everything I've read, that really has been about the only basic change that has affected Alberta over the last six or seven years. We've been working our way out of a recession, probably one of the most severe we've ever seen. This has had, as near as I can tell, a real impact on the industry of this province. Over the last few years there have been continuing restructures within the major oil companies in Calgary. This year we seem to have a rash of layoffs; virtually every major corporation is downsizing or readjusting their corporate direction. Now, these are the companies that had a terrific impact on putting Calgary and Alberta where we are. From this town we direct, or have directed and controlled, developments around the world. We export technology to bloody Russia, and this is a cow town. That's something I think we should be proud of.

What's not, I guess, remembered so very well is that several hundreds of years ago Spain was an economic power. One of the things that seemed to lead to their demise was the biased mining laws for the precious metals gold and silver. It took a long period of time for them to go down, but they have been destitute ever since.

We have seen, I think, laws and policies invoked that have significantly impacted our basic industry, which is the petroleum business. Just over the last couple of years we've seen changes, shifts, movements among the major players. I think there should be an awful lot of concern given to whether or not this is just the beginning. We've got an electronic world around us, and from Calgary we can talk directly to installations in the Bering Straits, in the Beaufort Sea. We can talk to and control events in Hibernia, for example. There is nothing magical about Calgary. There is no reason why all of that control, all of that expertise, can't be moved elsewhere and those projects directed and controlled from there. We haven't heard of any major exploration activity within our area, yet just the other day Shell and BP were talking about a major discovery down in the Caribbean.

The National Energy Board, fortunately, is moving out to Alberta. I hope that's still on. Is it?

MR. DEPUTY CHAIRMAN: As far as we know.

MR. BISWANGER: As far as we know. I think it's amazing that a group like this was brought into being a number of years ago. They were set up – if you recall, seven out of 10 directors had to be from Ontario. Essentially, what this meant was the oil and gas industry of Canada was being directed and controlled by a group of people who had no interest in the investment and the growth of that business. It was being directed and controlled by people who were consuming. These kinds of things have been affecting and impacting us for quite a long time, and I think they're going to continue to have an impact on us.

8:33

In summary, I personally believe that our federal government has repeatedly demonstrated that at best it doesn't consciously have the best interests of Alberta at heart, that it has a substantial bias for preferential treatment for other areas in this country. I believe that our federally elected and appointed representatives are not able to protect and promote our interests for any great length of time. We've got an interesting situation today: we've got three very strong ministers in the current government. But how long is that going to last, and then what are we going to do? We've made some great strides, I think, with minimal input just over the last three or four years. I believe that our Alberta economy is going to change, and I think that if we shape the changes, we will probably fare a lot better than if we allow other people to shape those changes for us. If you remember, back at the time of Confederation the maritimes were apparently a very wealthy area, and now they're just another member of TROC.

I don't think it's likely that Quebec or Ontario are going to change their predisposition for promoting their own interests at the expense of other areas, and I say that with a bias because I'm from Alberta. But I do believe that if Canada is composed of strong, economically profitable regions, it will be far better as a country than if it's composed of a bunch of weak areas that are beholden to one central dispenser of whatever. I think if we as a province are going to grow and prosper, then we have to protect ourselves as best we can. I think we require effective safeguards at all levels in whatever political structure is created or evolves from the discussion we are having. I don't think we can count on the whimsical goodwill of other people. I think we have to ensure that no other combination of provinces or the federal government can ever again impose a thing like the national energy policy on us and, by extension, on any other province of the Confederation. I think we have to have a level playing field, and I think that we as Albertans, as Alberta, have to have an equal position at that table. It's not much to ask for.

MR. DEPUTY CHAIRMAN: Thank you.

MR. ANDERSON: Mr. Chairman, I appreciated very much the remarks. They were of a general nature about Canada and about how we should operate as Albertans in the country. Would I be right in interpreting your remarks as indicating that you would favour a less central, more decentralized form of government? I guess on Mr. Chumir's behalf, since he did me the favour of not wasting the time last time . . .

MR. CHUMIR: Good notes, Dennis.

MR. ANDERSON: . . . would you, along with that, favour a federal government role in establishing educational standards, health standards, those kinds of things? Or do you believe those standards should be established by provincial governments as per their constitutional responsibility?

MR. BISWANGER: In five minutes or less?

MR. ANDERSON: In five minutes or less.

MR. DEPUTY CHAIRMAN: Yes.

MR. BISWANGER: Let me answer it this way. I believe that our form of government has been derived from the British model, and that model works very, very well in a compact country. Canada is not compact. We can take just about any province and put Britain in a small corner of that. We've got problems with distance; we've got problems with communication; we've got problems with differences in environment: a lot of serious, practical considerations. I think that structure has to be modified. I think over the last hundred years it's been demonstrated that the model we have right now does not work very well for the best interests of all the areas in the country. We need something different.

Now, I'm not skilled enough in parliamentary procedure or structures to be able to say, "Well, this is what we should do; that's what we should do." I think it's the effect that counts. What we want to do is create a structure that's going to develop all of the areas and allow them to grow to their best potential. There has to be interaction between the various groups, no doubt about it, but there are many concerns, for example, within the province of Quebec that I just don't have a valid opinion on. I'm not close enough to it; I don't understand the local circumstances. I think exactly the same situation applies for them when they start talking about our situation out here. There are things they just don't know and can't handle properly.

I don't think I answered your question directly. I think I indicated more confusion.

MR. ANDERSON: I think you were moving in that direction, but it's fair to say that you feel that whatever we determine should be the rights and responsibilities of the various partners of Confederation, they have to allow the region to recognize and develop to its maximum potential. Is that right? Is that a synopsis of what you're saying?

MR. BISWANGER: Yes.

MR. ANDERSON: And you're not sure as to the specifics of what should go where.

MR. BISWANGER: Within the context of the country. Canada is a great country, and I think it would be a bloody shame if this place were torn apart. But I also think there really is something wrong with the way we're doing things now, because there are too many groups within our society whose needs are not being met. Part of these are aborigines; part of these are new immigrants. My grandparents were immigrants at one point in time, so I guess I can relate through the generations. These are very real problems, and I think we can handle them a heck of a lot better than we are now. But the control and the direction seem to be too far removed from the problem. I think we need something closer, something more hands-on without adding more layers of 'adminisfusion'.

MR. ANDERSON: 'Adminisfusion': I have to write that one down. Thank you.

MR. BISWANGER: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

The next presenter is Gavin Anger. I hope I didn't mispronounce it.

MR. ANGER: It's like it sounds: anger. It's German, not French.

I'm very nervous here, so I'll read what I have here. I've got a second copy for yourselves. It's just hot off the press.

MR. DEPUTY CHAIRMAN: That can be reproduced.

MR. ANGER: It's hot off the press here; my wife has just done this for me.

A couple of things I'd like to try and do – nothing specific because I'm not anybody professional, so I don't have a lot of the ins and outs of things. But I'll go through this and read this as quickly as I can so that we can all do other things.

When a westerner thinks about a problem, whether it is major or minor and affects him or her in any way, it's always the next successive thought to wonder why this problem happened to start with. If it's an age-old problem, why hasn't it been taken care of before? The picture in the mind next is who to blame. Usually it's not the person. It's self-denial: "It's not my fault. It's somebody else." Usually it's a politician. That's the easiest scapegoat to find. We can allow them to do whatever they want to. That's what we're doing. If we don't stand up and say, "Hey, this is what we want," or "This is what we don't want," then we've got nobody to blame but ourselves.

8:43

Anyway, we are generally a placid, patient, trusting people and heavily influenced by American values. We Canadians have wrestled and struggled with many differences in values between our two countries, but one of the most striking is the American inbred ability to accept change and make the most of it. Their ability to cut the apron strings and stand on their own initiative and energy has generally been the envy of most people in the world except, of course, for those who hold political views left of centre. Even some of us here, we'll just pretty well have to say it's almost sour grapes anyway, as far as I'm concerned. We really have not got a lot of the infrastructure they have, such as Uncle Sam and that kind of thing, so we're really behind the eight ball.

What I'd like to point out are a few of the things we do have that are being cut to shreds. The CNR, which used to be a wonderful railroad at one point, is basically nothing anymore. The CBC I'm iffy on anyways. I don't like publicly funded anything, but that's the way it is. The RCMP: we don't have to go too far into that to know where things have been changed there. Even the maple leaf on our flag is not indigenous across the country. I'm from Ontario originally, and I've never really seen a maple leaf out here, so how can we actually say it's a national thing? I mean, maybe a pine tree because that grows indigenously across, but not maple. There's really nothing we have anymore that's Canadian. We're being shredded apart, and we're allowing ourselves to be that way.

I would like to skip on down here, if you wouldn't mind. Some of things that I'd like to suggest here – these are general suggestions, and you can take them or leave them as you will. In order for us to become efficient as a people, I think we must have an efficient government. I would like to see some radical changes happen here, and quickly. We kind of need them.

Number one: in the west we have two virtually identical provinces, Saskatchewan and Manitoba, both with a great deal of departments and ministries such as transportation, resources, and agriculture, with policies that are often conflicting. Both provinces run deficits annually and could be far more efficient combining efforts to co-ordinate their policy and activity. I'd like to go as far as suggesting they combine their governments into one, but this probably wouldn't sit well with most of the people who run these governments, because the downsizing would be efficient and a lot of ego postings, et cetera, wouldn't be there. But I'm sure it would be much more efficient.

Maritime Canada: the same thing. I think it's ridiculous that P.E.I. is actually a province. It's a joke. It's ridiculous to have something that small as a province. It would far, far better serve Canada if all three of the provinces and probably Newfoundland and Labrador were allowed to become one province politically, the whole region. I think they probably would end up becoming a better province, so to speak.

I don't like the rhetoric that's being used in the papers and things where Quebec is saying: well, make us an offer to stay. That really just drives me crazy. I don't feel we should be offering them anything. I think, more or less, it really should be that if they want to stay and help us begin a new country, so to speak, then let them stay. Then we'll work on it from that point on. But don't say: "Well, okay, we'll stay, but we want the cookie jar. We want this; we want that." Like, hey, forget it. It's yes or no, and then we work on it. I don't like that. It's just my personal thing here. If they do end up leaving, if they do end up separating, I really won't feel any remorse. Even though I'm from Ontario originally, which is much closer than here, I still feel no sense of . . . I was treated badly when I went there, so I really won't feel any remorse, so to speak.

If they do go, I certainly would like to see them take their per capita share of the national debt, and if they do separate, I don't want to see any adjustments for emigration from Quebec afterwards. So you take your losses, and you take what you end up with. I think that might be a better bargaining position. Maybe not; I don't know.

Anyway, I think this may be pretty hard for a lot of people in Quebec, but I think English should be used universally across the country. It's probably rather bigoted and whatever, but to be perfectly blunt, I feel we must have one language for efficiency in all levels of government for cost-effectiveness and a sense of commonality that we strive for but we obviously haven't got.

I would like to see autonomy granted to native reserve areas, and I would like to see it happen soon. I'd like to have them at that point, though, if they are separate political entities, abide by all the laws of the nation as far as human rights and standard freedoms. I'd not like to see them end up havens for criminals and subversive groups that just sort of mount insurrections and civil disobedience. I think that would definitely not be a good idea for all of us.

On foreign aid I don't like the idea of giving dollars away for nothing. I'd like to see us give credits to buy commodities and such from Canada. We could send professionals. There are probably thousands and thousands of professionals that have just been laid off in Canada recently. We could probably end up having them contract to the government as part of that foreign aid. I think that would be a lot better for our economy. It would certainly help us out, and it would help them out as well, as far as I'm concerned.

Education I think has been covered quite well, and I have nothing more to add to that.

This is a pretty major point here, what I am getting into. I'd like to see a concerted effort to build up our military, not necessarily like the star wars, Ronald Reagan type of thing but in such things as mandatory military service two or three weeks a year or so. Switzerland and Israel do this and have prospered quite well. I like their system. I like the way they do things there. It would provide a regular shot of discipline, pride, and patriotism, and mostly, I think, it would psychologically remind us that while we have the freedom today, somebody paid for it with their life previously. We may finally develop a sense of our responsibility to defend our country and protect our democracy, which we don't often do.

We don't necessarily have to think of it in the physical type of defence but in the realization that we must take an active part in the function of our nation, in fighting complacency and prejudice by ignorance. We may realize that we must accept responsibility for our actions and, of course, voting habits and learn to work as a team. Imagine what kind of camaraderie we could develop by going through a two- to three-week basic and survival training and strategy session in a different part of the country with people holding the same goals from varying areas of the map with one overriding purpose: defending Canada physically and philosophically. Wouldn't we all benefit, especially our teens and our early 20s age group? Wouldn't it also help bridge the generation gap and produce friendships never before imagined? In my opinion, I think it would. We should try and think about something like that. Our armed forces are a shame. They're a shambles right now, and a lot of people just basically say, "The semiarmed forces." It really bothers me.

We should have the taxes reorganized, as far as I can see. I'd like to drop universal medicare and implement user fees as a deductible. I would like to see a plan to quickly reimburse or exempt altogether poorer Canadians. I would like to have it more like a "protection from catastrophe" medicare. I would like to hack away at personal taxes to restructure them so that we could all have healthy write-off potential, business and personal, for setting up day cares, research and development, reforestation projects, charity, et cetera. Corporations have always had one motto, and that's profit, profit, profit. Now, there's nothing wrong with that; it's good for everybody. But incentives to have direct payments from these businesses, et cetera, to these people, like the food bank, et cetera, I think would work better because it's not flowing through the government. If we would have it go directly to them instead of going through the government, I think there'd be fewer hands in the pot and fewer chances of it being wasted. It's like sending money to CARE: you don't get a hundred percent of your money going towards Ethiopia, for instance; there's always something taken back. I'd like to see more direct aid.

8:53

I would like to see a national energy program or policy, so to speak, to switch from these damaging gasoline and bunker fuels to natural gas and propane. We produce this commodity far more inexpensively and have much more of it. If we sell the expensive goods and use the cheaper, more efficient, cleaner, and more abundant fuels, this would make us far more competitive and wealthy in the end. It behooves me as to why we haven't done it already.

The last point here I'd like to get to I'll read verbatim. We in western Canada must not allow ourselves to be manipulated or coerced into the thought that if we don't stay together as a country, we will perish. I have much more faith in the stuff of westerners. We may lose ground in our standard of living, but we will make it in the end and may well be better off going our own way without the eastern provinces. We will tighten our belts, straighten our stetsons, roll up our sleeves, and get down to business. As politicians you may be of the opinion that we are all a bunch of complainers. While there are a great many of them, the majority are decent, productive, hardworking, and very loyal people if they believe and trust in you. If you don't let us down, we won't let you down either. But have the courage to grab the bull by the horns, because as sure as the sun sets, we are headed down the path to oblivion anyway. Remember, if the horse trusts you, he'll go where you pull the reins. But rest assured that if he doesn't, you'll be picking burrs from your backside. And that is true. That was told to me by my grandfather, who is not a cowboy.

MR. DEPUTY CHAIRMAN: Thank you.
Are there any questions?

MR. DAY: Maybe just a quick one, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Gavin, I was interested in your comments, for instance, that P.E.I. shouldn't be a province. I think the folks there might have an opinion on that.

MR. ANGER: I'm certain.

MR. DAY: Are you suggesting that the federal government just unilaterally declare, whether it's P.E.I. or somebody else, that they not be allowed to be a province?

MR. ANGER: No.

MR. DAY: Or encourage them to think of themselves in terms of regions? Is that what you're saying?

MR. ANGER: At the moment they're basically talking about economic union, and obviously that is good. That's one portion of it. I find they'll have a lot of problems trying to get to political union. If you only have one Premier, there's only one guy that's going to get it; there won't be three or four guys that are going to get it. There are not going to be 70 cabinet ministers; there's going to be, like, 20 or 30. So there's going to be a lot of political resistance, so to speak, and I find that that's probably going to be their biggest drawback and their biggest hurdle to overcome.

They would be much more efficient, I'm sure, if they became one province. There's no doubt, if you really think about it. They have three or four ministries of fisheries, three or four ministries of the environment, three or four ministries of transportation, of this and that, et cetera, et cetera. If you could combine them all into one, I think you could run it more efficiently. I don't think there's any question about that. It should be logic. Maybe there's something I'm missing, but I think it should be logic.

MR. DAY: Yeah. I was just wondering about the process to get there; that's all. Thank you.

MR. ANGER: Well, you know, I don't like putting heavy hands on anybody. I certainly would like to do the incentive program, the incentive type of thing. I'm not really fussy about government. I think government should be more an incentive type of government as opposed to somebody like the NDP. When I was younger, I used to be a member of the NDP. I went to the Kingston convention in '75. But then again I've sort of had a bit of a change of mind.

MR. DAY: I sensed that.

MR. ANGER: Yeah. But it's not like I'm a Social Credit or something either. I don't really hang my hat on any particular banner, except that I don't like a lot of government. The more hands you have in something, the more meddling you get. The red tape just gets thicker and thicker and thicker, and you just don't get through it.

MR. DAY: Yeah. Thank you.

MR. ANGER: Thank you very much.

MR. DEPUTY CHAIRMAN: You haven't inspired any other questions. Thank you.

The final presenters on the list are Vern Overdeyest and Raj Sekhon. Sorry, Raj; I had your name spelled incorrectly as it was given to me.

MR. SEKHON: It's all right.

MR. DEPUTY CHAIRMAN: Maybe you're like me: call me anything you want except late for dinner.
Welcome.

MR. OVERDEYEST: Thank you for allowing us to appear before you this evening. Today we are witnessing an explosive growth in the levels of immigration to this country. This immigration is needed as the current birth rate in Canada is approximately 1.6, well below the rate of 2.1 which is required to sustain the present level of economic activity in Canada into the next century. With the increase in immigration has also come an increase in misunderstanding of the various peoples coming to Canada and Alberta. The danger in the situation is that currently there is no mechanism in place to teach well-established Canadians the customs and behaviours of newer Canadians. Instead, everyone is left to learn haphazardly on their own. In his 1982 study Alberta anthropologist Norman Buchignani found that ethnocultural associations in Calgary spent the least amount of time as organizations instructing and educating the indigenous population about foreign cultures. These associations do not place enough significance on actively changing current misunderstandings that native Calgarians and Albertans might have about one ethnic group or the other. The perceived widening gulf between English and French Canada only adds to this burden.

The original borders of this country do not encourage individuals to explore nor cultivate relationships with other Canadians. Instead, by virtue of provincial cultures we find ourselves looking across the street rather than across the country. For example, can a woman employed as a lawyer and working in downtown Calgary understand the cyclical unemployment and its effects on those in the maritimes? Can a tobacco farmer from Jonquière, Quebec, understand the feelings of economic isolation experienced by those living in Williams Lake, B.C.? Finally, can an Ottawa bureaucrat at Indian Affairs really perceive the centuries-old frustration of his clients?

In short, one of the problems in Canada today is that as individuals we are suffering from an inability to draw upon our own personal experiences to understand someone else's personal, political, or cultural predicament. That which has an influence upon our own psychological stream of consciousness is regional in nature, not national.

In describing our concerns to you this evening, we would like to briefly outline one possible solution to deal with the problems mentioned herein. The solution revolves around one central idea, that of an exchange program between students from various parts of Canada. By this we do not mean the exchange programs already in place in universities or in local schools, where participation is voluntary and is a one-shot deal, nor do we mean the federally sponsored programs of the past such as Katimavik, which had young Canadians out in the middle of the bush hacking down dead trees. Rather, when we refer to an exchange program, we mean the following: one, where participation is mandatory; two, where participation is on a national scale but organized at the provincial level; three, where the end goal of such a program is to deliberately and intently foster a clearer understanding of the regional personalities of this country; and finally, four, where exchanges take place on a frequent basis as part of a school's regular academic curriculum.

9:03

In outlining this idea, we would like to share with you tonight three specific examples of just how such an exchange is currently taking place. The first pertains to myself and my colleague Raj Sekhon. For the past three years we have been actively sharing and exchanging our cultural experiences with high school students in and around Calgary. The result of this work, as reported by the media, students, and teachers alike, is a positive and conciliatory change in the way born and bred Calgary students are willing to view members of different racial and ethnic groups. The approach is based on the interactive model and encourages as much discussion of the current understanding that students have of multiculturalism.

The second example relates to the work of the Calgary board of education. The board organizes a program called Connections in which students from all 14 public high schools are brought together to listen and exchange their views and current understandings of certain ethnic and racial groups with the individuals from those backgrounds. This year's program, held at the Southern Alberta Institute of Technology, drew approximately 200 students and teachers. The program was described by students as highly successful because of one main factor: participants were allowed to share beliefs and perceptions, correct or incorrect, in an atmosphere that encouraged a clearer understanding of different forms of behaviour and culture.

The final example we would like to bring to your attention is that of the educational system in Japan. Annually, thousands of students across Japan are sent off to live and learn in other geographical regions of their complex country. The process is simple, straightforward, does not cut any corners, and it works. Beginning with what we refer to as kindergarten, Japanese toddlers are sent to their local zoo for a day. They are given well-prepared instructions on how to deal with the events that will unfold that day and are told to observe. By the time they are in grammar school, they will visit a neighbouring city for a weekend and study the local history. When students enter the junior high school system they will take two- and three-day trips to neighbouring prefectures or provinces and again begin to acquire a taste for local customs and habits. By this time the students, now in their teens, have a well-rounded view of their country, a perfect experiential base from which to tour one of Japan's four main islands for a week or more. By the time they leave grade school, the Japanese educational system has provided its students with a complete understanding of their country from city to city, prefecture to prefecture, and as a nation as a whole.

One of the reasons there is no constitutional crisis in Japan today is that the Japanese understand themselves. In sharp contrast, I will say that Canadians do not.

The three programs we have touched upon all have the same following characteristics. One, they allow individuals to explore beyond the realm of their current level of understanding. Two, they all encourage debate of various opinions and ideas in a nonthreatening atmosphere. Three, positive attitude change is more likely to occur because participants of these programs are exposed to new experiences that previously were not within their own repertoire of experiences. Finally, four, these programs do one thing that University of Lethbridge sociologist Reginald Bibby says Canada does not do; that is, allow people to talk to one another, discuss their differences and similarities, and, most importantly, allow Canadians to demonstrate problem-solving behaviour.

In summary, the solution we are suggesting this evening is not a quick fix. We agree that what we are proposing will take years, patience, and money, but when your identity as a member of a nation is at stake, these costs are to be expected.

We leave listeners this evening with one parting thought. By the time the Canadian government had finished its part in bombing Iraq back to the Bronze Age, 100 million tax dollars had been spent. At the very least, it seems reasonable to consider the comparatively fractional costs of supporting an exchange program to save our country.

MR. DEPUTY CHAIRMAN: Thank you.
Bob.

MR. HAWKESWORTH: Thank you for your presentation this evening. I guess I have some thoughts that if there's no residue of goodwill or tolerance for each other in this country, then there's really no basis on which to build from where we're at. What I find intriguing is that you didn't talk about sort of constitutional arrangements. Do you think maybe we're becoming too preoccupied with the legalities – you know, Constitution laws – and we aren't really getting at some of the basic attitudes we need to develop if we intend to maintain a nation?

MR. OVERDEYEST: In my opinion, yes. I think that is correct. My academic forte is in sociology; it is not legal or political or management or anything along those lines. I really have no knowledge of the legal system in Canada. Like the previous gentleman, I am not a lawyer of any stripe at all. I know that amongst colleagues I circulate with, we ask ourselves that same question. It all seems to be about the Constitution, about legal matters, and we take a step back and say, "Hey, look, I really can't deal with this." It's something we're not well versed enough in in order to compete or to actively give a good opinion. So by far I think some of the matters, some of the issues being dealt with by the Constitutional Reform Committee should be things of a more top-of-the-mind nature that, I guess, the general public can simply chomp into and participate.

MR. DEPUTY CHAIRMAN: Thank you very much. We appreciate your contribution.

Ladies and gentlemen, that concludes the time given for people who had registered. There is now going to be a period for open discussion. The committee has received notice of two individuals who would like to make short presentations, but it would be helpful to us if we knew whether there are more than two. Would those who want to hold up their hands so we can count? Eight. I believe we are going to have to restrict each person to five minutes then.

We'll start with the two names we received in the order they were received. The first is Peter Aubry.

MR. AUBRY: Mr. Chairman, I object to being limited to five minutes. I feel that if I can't have 15 minutes to make my presentation, a decision should be made to reconvene this committee so I can get my other 10 minutes in. [some applause]

MR. DEPUTY CHAIRMAN: Before everybody breaks out in applause, for your information, this week is not going to be the only time spent by this committee, we believe. After we're finished the hearings between now and next Saturday evening, we will be meeting the following week to discuss further requests for input.

MR. AUBRY: I'm sorry, Mr. Chairman. Let me make that decision, will you, please? I would like to speak for 15 minutes.

MR. DEPUTY CHAIRMAN: I imagine everybody in the room would like to speak for 15 minutes, and we just don't have the time, Mr. Aubry.

MR. AUBRY: I'm prepared to stay here until midnight. I drove in from the country to speak for 15 minutes.

MR. DEPUTY CHAIRMAN: We have a procedure of getting registered. You had the opportunity of getting on the list.

MR. AUBRY: I did phone, sir. I phoned and I was told to come here and I would be given 15 minutes to speak to this committee. Now, I request 15 minutes to speak to this committee, sir.

MR. DEPUTY CHAIRMAN: Well, if you take 15 minutes, you're going to be taking time away from other people, because the committee is not going to meet until all hours of the day. I know you don't think politicians do anything, but we've all had a rather long day.

MR. AUBRY: I didn't say that, Mr. Chairman. I did not say that. You said that.

MR. ANDERSON: Mr. Chairman, perhaps we can just clarify. There was the registration list. We have indicated that we would come back. For anybody who wants the full 15 minutes, we as a committee, it was my understanding, agreed that we would come back to do that on another occasion. This time period was for those who hadn't indicated that they wanted to but have been somehow encouraged by what they've heard today to become involved. I don't know how we can work any more fairly than that.

9:13

MR. DEPUTY CHAIRMAN: Mr. Aubrey, using this time will not prejudice your right to return to the committee.

MR. AUBRY: M. le président, mesdames et messieurs, je suis Canadien. I'd like to firstly talk about why I'm here. I'm here because this is my country. I'm disappointed. When I asked to speak to this committee, I asked if the hall we were gathering in would be big enough. Obviously it's too big, and that's regrettable.

My family on both sides came to this great country in 1791 and 1792. In those days, with the lack of communication and transportation, there were large families that came from parts of this country, and those large families dissipated into all areas and all regions of this country.

I'm here because I can talk about Quebec. I can talk about the Quebecois; I can talk about the Canadien. I never lived in Westmount. I never lived in Montreal or Quebec, but I worked in Quebec province. I worked in the northern parts of Quebec where the young people were illiterate and had to leave home to stake claims in the bush so their families could be supported and they could eat. I was there as a university student to write their letters and read their mail, and those young people were Canadian. They were not Quebecois first; they were Canadien. They dreamed that someday they could come to Alberta or come to British Columbia and see what this country was all about.

In those days Quebec was ruled by the professional. If your daddy wasn't a doctor or a lawyer, or if you were not a priest, you were a zero. We could see it in the factories in Quebec, where English predominated in the supervisory and management positions. The Englishmen who ran those factories didn't know one word of French, and the 1,500 people who worked the machine tools were French-speaking.

The Quebecois are not demanding anything from this country. The word "distinct" is just a slip of the tongue. The people who are destroying this country, who are wanting separation in Quebec, are people who have never known what it is to go hungry. They are the professionals, the people who stand to gain from any form of sovereignty or separation. We must as a province, we must as individuals ensure that this country never becomes disunified.

The problem we see today has existed for many years. I'm not here to bad-mouth politicians or leaders of this country. This problem has been festering for years. This problem should have been corrected, the start to correct this country, and what's happening today should have started after Duplessis fell from power.

The Quebecois is the person that I know. The Quebecois is not Jacques Parizeau or Lucien Bouchard or anybody who stands to benefit from what these people are trying to do to my country. This is Canada. Quebecois is Canadian, Albertan is Canadian, and let's not ever lose sight of that. We are dealing with individual people, and it's time the advisers be made up of more than presidents of companies and lawyers and doctors. It is time that people go to Chicoutimi, Robervale, and Amos and find out what those people think of Canada. Quebec, I believe, is the province that will save this country, because if it had not been for Quebec in the past several years, we wouldn't be gathered here to find out what we could do to improve this country.

As I said earlier, I'm not here to bad-mouth any individual politician, but I'm here to say that I did not cause the problems in this country. The people in this room did not cause the problems in this country. It's the form of government, the form of party politics, that has caused the problems in this country, because the party always comes first, the political career always comes first. I look around this table and tell myself, "I think I know more about this country than any of you, because I worked in the areas where it counts." One of the elected Senators in this country told me that he knew the Quebecois because he had lived and worked in Westmount. He knew different Quebecois than I know.

What can we do to improve this country? What can we do to keep it unified? Thank goodness our young children are learning about this country in schools. I never had that opportunity when I lived in Ontario, my mother and dad never had the opportunity when they lived in Quebec, but the kids today have that opportunity. No child is born hating anybody. Children are taught to hate. When I was in school in Ontario as a French-speaking Canadian, I attended mixed schools where there were two classrooms out of 10 that had French-speaking kids. I had fistfights every night as a minority because I was called a frog. Who taught that child that called me a frog to hate me? The children today are demanding justice, they're demanding unity, and some of them are still being taught to hate. Who benefits from this sorrowful thing we're going through in this country? There are other parties who benefit. There are people like Lucien Bouchard and Jacques Parizeau who benefit. There are other parties who are preaching the gospel of hate, and believe me, there are people in this country who hate. They hate Frenchmen, they hate Jews, they hate Chinese, and they hate Indians. That has to change, because if they hate at age 50 or age 60, their children and grandchildren are going to hate.

We talk about a reformed Senate. There will never be a reformed Senate in this country, because there's too much power in the hands of very few who are more concerned about their party and their careers. That, committee members, has to cease. The advisers have to be other than ex-politicians or presidents or lawyers or doctors. If you want to know something about the trucking industry, talk to the truck driver. If you want to know something about the oil industry, talk to me; I'm a geologist, not a politician. I'm not here to talk about the oil and gas industry; I'm here to talk about people.

We talk about the welfare system. There are two forms of welfare in this country, the individual welfare system and the corporate welfare system. I'm in an industry that is one of the biggest bloodsuckers as far as the corporate welfare system is concerned.

Cut programs. If you're going to cut programs from people, then cut programs from industry and that will be an equal playing field.

We have some tired bureaucrats. I have never heard a politician say that a senior bureaucrat was inappropriate in his work or incompetent. Well, believe me, committee members, there are a lot of tired people, lacking in innovation, that help cabinet ministers in this country make decisions. In my business, if it doesn't run well you change your advisers.

9:23

We talk in this country about minorities, and we talk in the country about people with disabilities. What do we do about the homeless in this country? What do we do about the battered wives in this country? What do we do about the mentally ill in this country? We talk about it. Those people are disadvantaged. Nobody asked to be homeless. Everybody was born eight or 10 or 12 inches long. What happened that that person is on the street? What happened that that person is disadvantaged or ill? Illness and disabilities aren't prayed for.

Aboriginal rights: what's the problem here? We're dealing with people, dealing with human beings, and the way to solve those problems is not to throw money at these people. You have to have dialogue and more dialogue and more dialogue until the problem is solved.

The question that I guess has to be asked in politics is this: where is the accountability, except at election time? In my business, if you have someone who is not doing the job properly, you have an out: you can cease that person's employment. In the political arena you can't do that, except at election time. Perhaps we should have a process that enables voters to fire people between elections if they're not doing the job properly.

I urge you and beg you to recognize that we are dealing with people. We're not dealing with corporations or whether somebody's making a profit or whether somebody is doing well in school. We're dealing with people, dealing with human beings, and to me one person is as important as a thousand.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Aubry.

Mr. Frank Finn, please. Nice to see you, Frank.

MR. FINN: Mr. Chairman, I'll only be two or three minutes. I have some notes here, so I want to be where I have them in front of me. I don't have a written presentation.

I, like Mr. Aubry, I guess, can trace my ancestors in this country back to the 1700s. My father and my uncle fought in the First World War. I was in the air crew in the second, as were several of my cousins, two of whom who happened to be prisoners of war. I was born in rural Alberta over 70 years ago, and I've lived in a number of towns in Alberta with a broad cross section of ethnic people. I just have a few quick ideas on what we can do to maybe continue to unite this country. They're not constitutional ones.

I feel it's most desirable for us to remain one country with one set of laws and rules for all, including provinces and municipal governments and people. By this I mean no distinct societies, no ethnic or minority special preferences, the French language only in the provinces or municipalities where the majority want it and English where the majority want that language, but I do think we are a bilingual country. To ensure we have equal or fair regional treatment, I think we have to have a Senate that is equal, effective, and elected.

Native people should be given the land they are entitled to in writing by treaty or existing legislation, and where there are none of these, they have to be dealt with straightforwardly and reasonably under today's conditions. You can't go back 150 or 200 years, but get it settled and get it settled quickly. You can't go on negotiating for five or six or 10 years. It's been too long; it's got to be done quickly, whether they have self-government on their individual reserves and are funded like any other municipal entity or continue to accept their existing federal aid and then have to be run by the department of Indian affairs and not given a blank cheque. Regardless of which option they elect, they must be subject to all Canadian laws and law enforcement that the rest of us are. We can't have an Oka or an Oldman River dam or anything else. They've got to be subject to the same laws that you or I would.

Now, the biggest problem, I think – a couple of other ideas very quickly. Firstly, we must convince all our citizens, both old and new, that they must become proud to be Canadians, and they must be Canadian first and foremost regardless of their racial heritage or customs. To start with, Premier Getty should convince Saskatchewan and New Brunswick to fly our Canadian flag over their provincial institutions; they don't do this. When he achieves that, because they appear to want to be a continuing part of Canada, then he should convince Quebec to do the same thing before we're ever going to think nationally.

Secondly, we should compel our schools to start the day by singing *O Canada* or *The Maple Leaf Forever* in every classroom, which I also happened to learn and sang quite regularly when I was growing up and going to school in the '20s, so our own children – my kids and grandkids don't know the words to it – will realize what Canada is all about and be proud of it.

The politicians have to publicly recognize that those new Canadians who insist on forcing their former country's religious and visible symbols on our everyday life and demand that we change are just as racist as those of us who want them banned completely.

Bilingualism shouldn't be forced on all Canadians. Local language, French or English, should be determined in every province at the municipal level by the majority in that area. Federal civil service jobs should not demand bilingualism as a requirement.

Just one other slight thing, Mr. Chairman: I was a little upset, I guess, at reading in the paper last week about this Sikh gentleman who became an RCMP. The thing I'm getting at here once again, to quote what the paper said, and it was a direct quote: he said he was proud to be what he is and wear a turban. He was proud to be a member of the RCMP. Never once did he say he was proud to be a Canadian and appreciated that Canada had given him a chance to come over here and do what he's doing and be what he is. I guess that's my big beef. Where we have to start is, I guess, with all our new Canadians, with a lot of our older Canadians – even our hockey players don't stand at attention when they're singing *O Canada* at a hockey game, but if you watch the American players, when they sing the American anthem, they stand at attention.

We've got to teach our children, my grandchildren and all the children of new Canadians when they come here, that they are now Canadian: you're going to learn our songs; you're going to learn our customs. You came here because you thought what we had was better. Then do things the way we want to do them. If we have a dress code, the employer should be entitled to enforce that dress code. If you don't want to obey it, then quite frankly you should go find a different type of employment. There's no reason why when a new Canadian comes here we suddenly have to adopt his customs and rights. He has come here because this is better, and he should be glad to be here, glad to be a Canadian, but we've got to do everything we can to make him a Canadian, not something different or anything else. He's a Canadian once he comes here and is a landed immigrant.

That's basically all I have to say.

9:33

MR. DEPUTY CHAIRMAN: Thank you very much. The Chair doesn't have any more names.

MR. REID: May I speak, Mr. Chairman?

MR. DEPUTY CHAIRMAN: Yes, you may. For the record I guess we should have you identify who you are, though.

MR. REID: Sure. I'm glad to do that. My name is Mike Reid. I live here in Calgary.

Very briefly, I believe in a strong centralized Canada, a unified Canada. I grew up convinced that Canada was a confederation of provinces, and I've come to realize from working across Canada that it's actually a confederation of individuals. You have to wonder: if the people who originally set up the structure of Canada, specifically geographically, had it to do all over again, how would they do it? We've got, to a certain extent, almost ecological zones. You've got watershed boundaries for provinces, and you've got some fairly artificial boundaries as well, where the boundaries follow longitude.

I often wonder if all of this arguing and debate and combativeness would exist if you didn't have those boundaries over which to fight. In order for someone to say: I want something and I have something and I'm not willing to give it up and I'm willing to argue about it, you have to be something other than a Canadian. The provincial boundaries suggest to me that they've been there for so long we've come to accept them, and they are now almost barriers to Canadians working together.

I have a feeling – and I know I'm going to sound like a bit of a goof, perhaps – that if we were to consider the abandonment of traditional provincial boundaries and the adoption of purely arbitrary administrative zones with a strong centralized administration for Canada, many, many, many of these arguments would simply disappear because they have no geographical basis upon which to argue. Canada is traditionally split up from north to south in multiple provinces. If you, for instance, had sweeping zones from the northwest down to the southeast – these could be long and narrow – you'd have a little bit of the north, a little bit of the south, a little bit of the east, and a little bit of the west. They become administrative zones. People have no choice but to start working together, and all of these traditional arguments simply disappear.

We've got a fabric in Canada which is going to exist culturally whether you like it or not. The only reason it has become something over which we can argue is because it has become centralized in geographical zones. Do away with those zones, and perhaps you'd do away with the arguments.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Would you like to come to this mike, sir? Then followed by Mr. Dean.

MR. MURRAY: Bob Murray. I have written a number of letters to your committee, and I'm anxious to hear some answers or a time when I might obtain some of these answers.

First, I'd like to say I agree very heartily with Mr. Kahn over here, who has indicated to you, and I believe speaks for a lot of us, that you should keep your constitutional discussions fairly simple. We seem to be so involved right now with procedures, with topics. A Constitution is something that you should develop that lasts for a long time, and therefore it has to be basic and fundamental.

I think we have to start looking for some of those truths that we hold self-evident, some principles. What do we believe in, and what are we? I think you can enunciate some very simple principles and then establish a Constitution that applies to all people. I think the one thing you've heard here and the one thing I have heard is: everybody is looking for an honest to God equality. We don't want an independent state of Quebec. We don't want an independent state of Alberta. We want equal for all.

Now, let's face it: it's only been a few years, since 1927, that women were regarded as persons in the eyes of the law. Right now there seems to be a lot of concern that native people, minorities are not yet regarded as persons in the eyes of Canada. I suggest that really what you have to do in your constitutional developments is develop some principles. Once a person is defined, then you define the rights that person has, and we all have them equally. The same thing goes for provinces or regions. You define the principles that you want, and then all of us have them equally. That's really constitutionally what I'm looking at.

Before we get panicked by a referendum and further media hype that's coming from Quebec, when is somebody going to speak for Canada and for me and start telling the truth, the way it really is? When are we going to start telling Quebec or the rest of Canada what we stand for and what they are not going to have?

I ask you simply this: who owns Canada? Let me preface that by one more little example. I own my property here in Calgary. It's fully paid for, tax free, no liens. I own my property, but I don't. The city of Calgary can expropriate my land, and they don't have to pay me what I think it's worth now or what some independent individual says it's worth. It's sort of a committee kind of approval that will decide what my land is worth and who is going to take it over. If the province of Alberta wants the land for some legitimate purpose, they can expropriate it from the city of Calgary, and they do it all the time. They don't have to pay to the city of Calgary what the city of Calgary thinks it's worth. If the country of Canada wants to make it into a park, they can expropriate it from the province of Alberta. Who, then, owns Canada?

If it is as I believe it to be, that Canada owns Canada, then frankly a referendum by a group of people in an isolated region of Canada does not set the laws of Canada and does not expropriate a portion of Quebec. When is somebody going to stand up and say to Quebec, "Look; if you do separate, where are you going to separate to? Because it sure as hell isn't going to be to my Canada." That's what I'm trying to say. How can you assume they are going to be entitled to what are the current geographical boundaries of Quebec? Hell, the geographical boundaries of Quebec were not even established until 1927 or later, when certain other regional lines were cut. So if in fact they are not going to separate to what are now the provincial boundaries of Quebec, where are they going to separate to? I don't plan to give up any of my land to an individual group who wants to set up some kind of unique sovereignty association. What I'm really saying, again, is: if Canada owns Canada, when are you going to start telling them what the consequences and what the realities of this thing are? How long are we going to have to sit here and wait for somebody to speak for what Canada is all about?

Personally, I want Quebec to be a part of Canada. I want Canada to remain whole. I want Canada to be equal. But I don't think it's going to get that way by merely waiting and extending the time frame without talking in terms of what the realities of the situation are. If I'm wrong, now, and if in fact Quebec by virtue of a referendum can in fact separate, then I am trying to stop them from doing something they should have the right to do, and I won't do that. But if Quebec is trying to sneakily, divisively take something that belongs to me, then when is somebody going to stand up in the rest of Canada and say: "Stop. We're not going to go along with that"?

MR. DEPUTY CHAIRMAN: Mr. Dean.

MR. DEAN: Thank you, Mr. Chairman. My name is Ross Dean. I'm from the village of Lyndon. I'm a little ways out of town also.

Just a couple things. It's been mentioned about our form of government, and it's been mentioned here also that our system of government was not set up for the likes of thee and me; it was set up and was made by the Crown and by the church to meet their needs. It's not meeting the average man's needs today. I think that has to be changed.

I think what people have to do is define what they want our government to do. Personally, I think they should be a protector. I think they should make a level playing field for businesses. I think they should make a level playing field for human rights, and it should not be just human rights; it should be human rights/obligations. When you bestow on me or when I demand a right to marry, I'm also imposing on a woman an obligation to marry me. We've got to be careful when we talk about rights; "obligations" has to be said also.

9:43

Again I come back to: we have to define what we want our government to do. They should be able to set building standards across Canada, set safety standards, so that if I buy a car in Saskatchewan, if it's still Saskatchewan tomorrow or Quebec tomorrow or whatever, it's not going to fall apart and I can drive it in Alberta, if it's Alberta tomorrow. Medical, educational: set the base standard that everybody must have. If the province of Alberta deems that they want better, fine; you've met the base requirement. That's all anybody cares. If I'm an employer in Ontario and somebody comes from Alberta – "What education did you have?" "I had XYZ" – I know where I stand with that individual. I know I have to add to their education or that hey, bang, I've got a crackerjack here, because they're giving better than we are right now. A standard, and a standard applied equally to everybody. If a politician breaks the law or if a poor man breaks the law, if the penalty is 10 days in jail, then it should be 10 days in jail for everybody, with no circumstances and no trading off. There's too much of this trading off.

You're not going to like me, Stan, but I think maybe we can no longer afford our Prime Minister and Premiers. I think they should be conscripted. Honestly. If our problems in Canada or the province are economic, let's conscript somebody like Lee Iacocca, if he exists in Canada, and say: "Bud, you're working for us until the problem is solved, and your company is paying your salary. We're giving you $1." If it's social, we get the best social mechanic we have, and we get them in there, and we get our problem solved. You work yourself out of a job.

Those are a few of the things that we might be able to do. There's a lot more, but I think there are some other folks that want to talk. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.

Next, please.

MR. COLLIER: Is it over to me now? Okay. I do have a short paper, and I do have copies, so maybe I'll come to the front, if that's okay.

MR. DEPUTY CHAIRMAN: Certainly. If you'd just identify yourself, please, for the record.

MR. COLLIER: My name's Richard Collier. I've lived in Calgary for 23 years. I have a fairly specific sort of concern, rather than a wide-ranging one. I think this paper, which is only two pages long, won't take more than about five minutes, so with your permission, I'll just read it.

Although I recognize the imperatives attached to social and political matters such as language rights, aboriginal issues, regionalism, and multiculturalism, I would prefer to leave these complex and emotion-laden matters to those commentators with keener minds and loftier vantage points than I. I wish, in fact, to confine my remarks to the possible inclusion of a charter of rights for the environment within a new Constitution for Canada.

Undoubtedly it is a remarkable advance in human consciousness for constitutional debate to consider environmental matters to be within its legitimate boundaries. Such an historical change suggests two things: first, that human beings have become increasingly aware of their interdependency with the fragile ecosystems of this planet, and two, less optimistically, that time is running out to repair the damage done to the environment by unrestrained industrial exploitation.

The list of concerns, for example, that ought to be addressed either implicitly or explicitly in an environmental section of the Constitution is staggering. I list them: the right to clean, breathable air, especially in cities; the right to clean, drinkable water; the right to unspoiled and undammed rivers; the right to soil unpoisoned by chemicals, bacteria, or radioactivity; the right of access to green spaces; the preservation of animal and plant species from unnecessary suffering, slaughter, or extinction; the right of access to visually and auditorially pleasing topographies; the right to have our natural resources husbanded and gardened with appropriate sensitivity; the right to a food chain unpoisoned by toxic chemicals and antibiotics; the right to shelter and transportation that is not contaminated and that does not itself contaminate the environment. I'll stop there. I could go on, but that's all I have on the paper.

It would be possible to speak at length about each of these issues and about why such rights should be part of a Canadian Constitution. Again, because I am not expert in these areas, I choose not to do so. What I am expert in and what I do wish to emphasize is the following: the right of Canadians to preserve and to enjoy in their natural state throughout the country tracts of indigenous wildlands. By wildlands I mean the areas of mountains, valleys, grasslands, lakes, seashore, and the like in this country that exist today much as they did before the arrival of European settlers. Another way of putting this is that they have not yet been disturbed or destroyed by mining, timber cutting, damming, road building, or other industrial, recreational, or technical projects.

We have precious few of these areas preserved for us today, especially in the populous south of the country, and what we do have is constantly under attack by entrepreneurs and by government. For example, the wildlands surrounding the national parks of Banff, Kootenay, Yoho, and Jasper are being eroded, disturbed, and altered by the building of roads, golf courses, hotels, resorts, ski areas, lodges, marinas, cat-skiing facilities, hot tubs, condominiums, guided tour sites, alpine huts and shelters, off-road vehicle use areas, and helicopter tourism staging pads. Helicopter tourism, incidentally, includes the following activities: heli-sightseeing, heli-skiing, heli-hiking, heli-bicycling, heli-fishing, heli-picnicking, and I just heard of another one today, heli-scuba diving. It's getting out of hand. Even within our national and provincial parks we find developments that are contrary to the concept of the preservation of natural wildlands: alpine ski resorts, hotels, mountaineering centres, high-altitude huts, radio towers on mountain summits, and, again, excessive helicopter use.

A constitutional clause on the environment that deals with wildlands should need to state explicitly or empower government to: one, put a stop to any further development in entrepreneurial activity within Canada's national parks without full review and inquiry; two, expand the boundaries of the national parks to include and protect surrounding natural wildlands, reclaiming them from industrial and recreational exploitation when necessary; and three, expand the system of protected natural wildlands until it includes 12 to 15 percent of Canadian territory by the year 2000.

I just want to point out that my brief here is written on unbleached, recycled paper.

Thanks very much.

MR. DEPUTY CHAIRMAN: Thank you very much, sir.

Yes, sir.

MR. MacISAAC: My name is Sean MacIsaac, and I'm a citizen from Calgary. I just have a number of points that I urge you to consider in the constitutional debate you're involved in. I'm trying to distil some positive suggestions that I think will help, because I feel we have the best country in the world. There was a UN study that put us second in our present condition – second – well ahead of the United States, well ahead of all the major European countries that we tend to feel we're not the same as. In other words, we have an awful lot going for us in the eyes of outsiders. Please, let's just look at what it is – it's a wonderful country – and have some regard for all the good things it does have.

The concerns I have from a constitutional point of view are the inability of Canadians – and I think we have a cynicism and a real desire to backbite Quebec and French and this type of thing. I really feel they've contributed their share, and it's unfortunate that it's not perceived that way by many. I think that if they spent time and visited that part of the country, they'd realize they're a hardworking, productive people with whom it would do us great credit to continue to be associated. I think, you know, we should just get down to that human level of not taking these line scores of so-called statistics, which I think have been manipulated beyond belief to suggest that, for instance, the Saskatchewan's farmers, who've had it in a very tough way in the last seven years, have not taken out a lot more from this country than, say, Quebec, which is an advanced industrialized area that's contributed a lot. We continue to be possessed by the desire to want to think about those negative things, and I really think they're in our minds and are not the facts.

9:53

The next thing is that I think we've got to look at some form of effort to perhaps break down some of our provincial barriers. My concern is that if things go in the track they're on now, I can well foresee Quebec having a situation where there's greater provincial rights. Perhaps it's not such a bad thing. Surely a lot of people are saying from an Alberta perspective that we should have more local power. I suggest that we don't just sit in a situation where we have 2 and a half million people, or however many we have in Alberta, but I would like to see efforts by our provincial and federal politicians to have much closer cooperation between, say, B.C., Alberta, Saskatchewan, and Manitoba. We could get, for instance, 9 million people in an economic free zone.

I know professionals aren't popular tonight, but it is a tragedy that you can't move from Winnipeg to Calgary in your profession, if you are a professional. Simply, there are all these boards and regulatory authorities and unions and things that prevent the ability of citizens to move within this area. So I'm saying: what if we had 7 million or 8 million people in that group where there was true freedom to move? Then I think we could say: "Right. We have our group of 7 million or 8 million; Quebec's got theirs; Ontario's got theirs; the maritimes have got theirs." Geography and a lot of things would say that thing would work.

Then you could perhaps have, you know, investors from other countries. I don't think they're sinister; I think they're positive. They could look at us, and they won't say: "Well, look. You're 10 little countries. How could I ever set up something here to operate in North America when if I go stateside, I deal with one organization and I can establish in four cities. You have more regulation." We're the most overregulated country on earth, and I think we've got a real problem.

So that's the business thing. I think we have to streamline all of our regulations across the west. We can start the communication process right there by streamlining all those things. I think if we did that, if we showed the ability to work together, perhaps Quebec might be more enamoured with the idea that the country's not losing its economic shirt or the citizens aren't losing their self-confidence and it's worth being part of a group with us.

The next part is the legitimate role of government. I think the Charter of Rights is probably a statement of principle that is worthy of consideration by some of the groups that say we don't stand for what we've said. Well, we have something, and it's called a legal document, and it's a Charter of Rights. It's one of the best documents ever drafted. We've got a Bill of Rights. It's a predecessor of 10 years earlier. It's an excellent piece of draftsmanship. We have those things.

We also have a civilization based on two cultures, two founding peoples, not one, that accept others. I think that is a tremendous thing. I think it's better than, for instance, Japan, which is an ethno-racial culture. I think we've got a wide open one. I think the people that say, "You know, French Canadians, Canada was here first," this type of thing – they've been here 300 years; Albertans have been here 100 years. So, you know, just give them a break. You're going to wreck the country if you go the way you're going now.

The last point is health and education and environment. Those are the priorities for provincial governments and for federal standards. Those are the areas, but get out of business. Get out of Treasury Branch. Get out of Alberta home. We're now talking about half a billion dollars that the federal government's going to put into de Havilland. What's the reason for that? Apparently, de Havilland is a company in Toronto that has 5,000 jobs. They're being bought from Boeing. In other words, they're being sold to an Italian company, and the federal government's being asked to put in half a billion dollars when we have to pay GST. Why? I just don't understand the mismanagement, and I think a lot of Canadians have some real questions about that.

Those are some matters I urge you to consider. Thanks.

MR. DEPUTY CHAIRMAN: Thank you.

Yes, sir.

MR. COOPER: My name is David Cooper. I've been a resident of Calgary for 12 years. I came as an immigrant from Wales. I've worked on voluntary boards and directorships, and my opinion is based on working in the oil industry, the Olympics, and various different industries.

I see a great rift in this country between the haves and the have-nots. The country is playing on the global stage, but I really think that like a family that doesn't have its act together, the Canadian family should get its act together internally before we spend billions of dollars on the global stage.

I apologize to any legal friends I have, but I'm concerned about our legal processes. They seem to be rather overbearing, and the costs seem to be rather overbearing. I think when you look at the number of citizens that you would consider to be in the close to poverty range in this country, the cost of process of legalities is much too high.

I think what we're seeing is a maturation of the country. It perhaps could be described as going through its teenage years at this point in time. I believe this process right now is a natural process, and I think it's for the best.

This time is a critical time. I see that the unrest will continue for at least another year or so. I think there are grave dangers if we do not soon look after those individuals in our society with constitutional change that allows those who are under great stress at this time to have some kind of supporting assistance.

The double income has become the standard in this country. That in itself is an erosion of family life. We need to see the costs of utilities and services, and, I regret, dentistry, legal costs – these are very frightening costs to the average person, and the average person is not earning $50,000, $60,000 a year. I consider that these kinds of hearings will never attract the kind of person who should really be the hub of our concern; that is, those people who cannot speak for themselves. We have the situation that most people do not come to hearings, do not come to microphones. They are what I would call the silent majority of Canadians, who I believe are honest, upright citizens who have worked hard. They're not necessarily what you might categorize as high-powered businesspeople, but they are the essence of Canada. It is the essence of the people who are honest, with faith and with a conviction that this country is a good country.

Therefore, I think the constitutional changes must very definitely take stock of those individuals who will not speak for themselves. I think there is a great risk that unless you reach out to those kinds of people, be it in the community hall, be it in the workplace, then you will not hear the majority opinion from these kinds of hearings, much as I congratulate you for having them.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Yes, ma'am.

MRS. WALKER: My name is Eileen Walker. I guess I come from the farming sector. I live north of Strathmore. Some of these points you've already heard, but maybe sometimes repetition will sink into people's heads a little bit more.

First, equal representation for every province in the federal government. No province shall have the right of veto. Majority to rule.

If Quebec leaves Canada, it takes its share of the federal deficit. No special concessions.

Abolish the Senate completely in its present form. Senators must be elected by the people and have no affiliation with any political party. Have two from each province: one represents your urban area, one to represent your rural population.

Have a freedom of information Act in Alberta.

Abolish bilingualism in Canada, and have one universal language, which I would take as English.

Close doors on immigration until we have zero percent unemployment and zero welfare recipients in this country.

Capital punishment brought back in. Extradition of foreign criminals back to their country to be tried for their crimes rather than us wasting millions of dollars keeping these people in this country.

We want our government to stop destroying the family unit. Most of our government funding goes to our welfare, single parents, and nothing in return is given to a family where a husband and wife are struggling so that one of the members can stay at home and take care of their family. Why could we not pay one of those parents to stay home and look after their kids instead of day care where the government starts to take control of our children? That's exactly what's happening as far as I'm concerned.

10:03

I'd like to abolish pension funds and severance pay for politicians, and I'd like yearly referendums at the federal, provincial, and municipal levels where the people decide on important issues, not just a political party.

Another thing: I'd like you people to stop lending our money to your buddies in your provincial and federal systems. I'm getting tired of it.

Why is our native Canadian culture to be displaced by cultures from other parts of the world? My father came and accepted Canada as his country and accepted the Canadian way of life. Why do immigrants come to this country if they do not want to accept the Canadian way of life?

One final thing that I heard on the news media, said by the Pope: capitalism without morals is worse than communism.

Thank you.

MR. DEPUTY CHAIRMAN: Yes, ma'am.

MRS. KAY: Thank you, Mr. Chairman. Nancy and gentlemen, my name's Pauline Kay. I'm really excited about what's going on with all of the discussions that we're having all across Canada about some of the things that those 11 people did think was their own prerogative to sit and discuss. I'm really excited about this. The only thing I'd like to see is a few more women at that table and perhaps a little ethnic diversity next time, thank you.

Mr. Reid's comment about getting rid of boundaries is the first time that I've heard that suggestion, and it's been really mulling around in my mind for a long time. We talked a little bit about who's going to be arranging for standards in education. Certainly the role of the province in looking after our provincial interests is very important, but I would like just to remind everyone that those boundaries are imaginary lines. They're imaginary lines, and they do divide us. Perhaps in that sense it creates a community; it creates Alberta so we feel pleased and proud to be Albertans and have elected representatives looking after our affairs.

Nationally, I'd like to take a chalk and erase all of the boundaries that are there. If we have interprovincial committees, we have ways of communicating. I'm afraid that I've seen a lot of the provinces simply raising their arms and their fists, that the idea of a province is to fight other provinces and to fight Ottawa. My sense of Canada puts those arms in perhaps a different configuration: we join, we cradle our nation. If we can get rid of those provincial boundaries, just mentally, for a few minutes and imagine and take advantage of our electronic presence, we have an electronic facility now so that certainly every person in Canada should be able to vote on a Canadian issue.

Perhaps our MPs lose too much of their credibility when they go over the border. When they leave Alberta and go to Ottawa, yes, they are part of a party system and perhaps vote a little too much along the party line. Perhaps those three MPs from Alberta who are very important are suspect because we think they're bringing party line to Alberta. We don't really trust them to represent us because they really don't have a vote for us in Ottawa.

Now, how are we going to solve this? To me this was the problem when we were talking about Meech. It didn't matter whether we Meeched or we didn't Meech; our MPs were still not going to have any voice after they left Alberta. I really like the idea that if I'm going to be voting for a Member of Parliament who's going to represent me federally, I want him to be looking after my national interests. If we are looking at our national interests, then perhaps there's some way in which we could vote nationally for the people who go to Ottawa.

I'd like to play with the words "House of Commons." We're commoners, I guess. If we look at the House of Commons and play with the word "common" as a common area or a common interest, perhaps if we used electronic voting from all across Canada we could ask certain people to run in a certain area. We could elect six MPs from the point of view of looking after our parks. We could elect another six or 20 MPs to look after our environment. We could elect another six or 20 MPs – whatever the number is – to look after our business interests. They certainly should be looking after our northern interests, our borders, our American or international interests. Every Canadian could at this point, with the electronic setup we've got, vote for every Member of Parliament.

Nancy mentioned the idea of: how would we make this fair? How would we make sure that the golden triangle still doesn't control us? I think the answer there would be proportional representation. If we did have this opportunity for all of us to vote for all of our MPs and we had a certain number of parties, perhaps the proportional representation would be the way that we would end up with a cross-country balance in that.

I'm not sure that we have to establish a Constitution that is solid and rock hard. I do think that if we have the opportunity for total input from all of the people in Canada, there's no reason why we couldn't consider changes as we go along.

Anyway, thank you. Just wipe the country clean, and let's take another look at it, because we are talking about constitutional change. The thing that really upsets us most is that our Members of Parliament are not able to represent us as well as we would like them to.

Thank you.

MR. CLARK: My name's Gib Clark. I'd like to ask a question. The committee's going to sit tomorrow, I believe.

MR. DEPUTY CHAIRMAN: Yes, it is.

MR. CLARK: Okay. Could I make a specific suggestion? I make it in good faith, and I'm quite sincere about this. You cannot make a decision about how Alberta approaches constitutional reform in a vacuum. It so happens that coincidentally Jacques Parizeau is in Calgary tonight and will be here tomorrow. I strongly urge that you get members of your secretariat to get him down here to sit in the chair in front of you tomorrow and allocate 15 minutes to him as a citizen of Canada representing an area that some of us perceive to have adverse interests, to hear what he has to say about the aspirations of the people that he represents so that you have that as background information to formulate a report on the aspirations of the people that you represent.

MR. ANDERSON: Mr. Chairman, I'll be seeing Mr. Parizeau at lunch at the chamber of commerce. We'd be glad to have him here if he wanted to attend.

MR. DEPUTY CHAIRMAN: Does that conclude the speaking list?

MRS. WALKER: Can I just ask one question? We live quite a ways out in the country. Why are you not having meetings in the smaller centres of Alberta?

MR. DEPUTY CHAIRMAN: As the Chair attempted to point out earlier, we're just commencing now. This week is not the only time that we will be holding hearings. The committee will be gathering on June 6 to assess what has happened and what the demand is for further hearings. From the very beginning I have been very supportive of more hearings, but we had to make a start. It was felt that the mere fact that these hearings were being held this week would generate more interest in the subject. The committee will do everything it can to accommodate all Albertans, because that's the whole purpose of this. That is certainly going to be dealt with, Mrs. Walker.

MRS. WALKER: Is that a promise?

MR. DEPUTY CHAIRMAN: I don't know if you're familiar with where else this committee's going to be going in the next week. There's a like number of us in the other half of the committee that's also going to be traveling the province. This committee on Monday morning will be going to Fort McMurray; on Tuesday morning, Grande Prairie; on Wednesday, Hinton; on Thursday, Red Deer; and then Friday and Saturday next we'll be in Edmonton. The other half are in Edmonton today and tomorrow, and they're going to, I believe, Lloydminster on Monday, followed by Camrose, and then they're going down to Lethbridge, Medicine Hat, and they'll be back here in this building next Friday and Saturday.

Yes, Mr. Aubry.

MR. AUBRY: Mr. Chairman, I'd like to apologize for barking at you. If it makes you feel any better, I bark at all chairmen. I think that this committee owes me four minutes.

10:13

MR. DEPUTY CHAIRMAN: Yes. Well, Mr. Aubry, I also wanted to apologize to you, but my main concern was to try to accommodate everybody possible. I hope everybody will understand that we've been meeting here since 4 o'clock, following our other work, and we've got to be back here tomorrow morning to try to be able to listen to what is being presented to us.

On behalf of the committee I would like to take this opportunity of expressing our sincere appreciation to everybody who has come here today to help us to help all Albertans decide what Alberta's position should be in the months and maybe years ahead in making our country a better place.

Yes, Mr. Kahn.

MR. KAHN: Could you just tell me what happens now? I mean, what do you do with the information you get?

MR. DEPUTY CHAIRMAN: The whole purpose of this committee is to make a report to the Legislature. So we want to listen to Albertans, then we will make a report to the Legislature, and that report will be fully debated as an assistance to the government or the Legislature in dealing with this matter when the time arises.

MR. KAHN: But not with a free vote, because you're constrained by party lines. It becomes redundant in a sense. I don't want to make an issue of it. I understand what you're saying: you're doing a report. But if you're constrained by party lines and somebody says, "No, you're not voting that way," what are you going to do?

MR. DEPUTY CHAIRMAN: Well, I guess that's one of the reasons we get those big bucks. But that doesn't mean there's going to be a unanimous report.

UNIDENTIFIED SPEAKER: Let us hope it's more debated than Meech Lake was when it gets to parliament.

MR. DEPUTY CHAIRMAN: I think it will be.

[The committee adjourned at 10:16 p.m.]

9 a.m. Saturday, May 25, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Could the committee come to order, please? We have nine presenters to deal with before lunch, and as we found yesterday, time really flies when you're having fun. In order to accommodate what we've tried to commit to in hearing Albertans on this important subject, I think it's important that we at least start promptly.

I'd like to welcome you all for participating in this process. Just quickly I'll introduce the members of the committee who are here this morning. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora. On her right, Stockwell Day, the MLA for Red Deer-North, and on his right, as I said yesterday, our host for the meetings here in Calgary, the MLA for this constituency, Calgary-Buffalo, Sheldon Chumir. Across from Sheldon is our newest Member of the Legislative Assembly, Mr. Barrie Chivers for Edmonton-Strathcona, and on my left, the Hon. Dennis Anderson, the MLA for Calgary-Currie.

Our first presenter this morning is Dr. David Elton on behalf of the Canada West Foundation. I'd say welcome and invite Dr. Elton to come forward for his presentation.

DR. ELTON: Thank you very much.

MR. DEPUTY CHAIRMAN: I should say, I guess, that I'm Stan Schumacher, the chairman, and I'm the MLA for Drumheller.

DR. ELTON: I have some notes for the presentation that I wish to make that I'd like to give to the committee, and they can follow them as they see fit.

I guess I would like to begin by thanking the committee for holding these hearings. I appeared before the previous Conservative Party committee that met on this same subject before Christmas, and I'm most impressed that they have established an all-party committee. I understand that party discipline will not hold with regards to your undertakings, and I encourage you to follow that right through to the last dot on the last page of the report. It will, of course, remain to be seen whether or not that is the case.

I would like to begin by saying that for someone who played basketball as a child in this gymnasium, I think it has been improved considerably.

MR. DEPUTY CHAIRMAN: That's what Mr. Chumir said. He said he attended grades 6, 7, and 8 in this building, and he said he thought the surroundings looked a little better now.

DR. ELTON: Well, if we can do as good a job with the Canadian Constitution as you've done with this room, we will have done a great service for Canada. I'm convinced of that.

I would like to simply quickly review with you the activities of the organization with which I am associated over the last two decades, really, with regards to this issue, with regards to constitutional reform. We have been discussing and debating process, institutional reform, and jurisdictional issues for well over a decade and a half in sum and have produced well over a dozen reports that we have made available to members of the Legislature and to the public. These reports have dealt with everything from a house of the provinces idea back in the 1970s to an elected Senate to interprovincial trade to constituent assemblies.

Our current activity as an organization is that we have struck a regionwide task force consisting of four prominent individuals from across western Canada, from each one of the four western provinces. We are currently working very diligently on a wide range of projects, a number of reports that we will be making available to this committee between now and September.

What I am going to say to you today are my personal comments. They are not necessarily those of the foundation or of the task force of which I am a member. Those reports will be forthcoming within the weeks and months to follow and hopefully will culminate in a meaningful national meeting that we are holding in Banff on September 26 and 28, when we will bring together 200 people from across western Canada to debate this very issue. We're doing this because it is basically a way of having a nongovernment organization have input into constitutional change. One of the real concerns that Canadians have had for a long time is that when one talks about changing the Constitution or reforming government, it always tends to be the government themselves that do it, and this can cause some problems, as you will see in my presentation.

With those introductory remarks being made, I'd like to go to my formal set of introductory remarks, which are as follows. I would like to stress again that because of the preliminary nature of this presention these are my opinions and not necessarily those of the task force of which I am a member.

In our Constitution we describe ourselves as a free and democratic society, but in fact our operationalization of democracy has been very tentative and limited. The reluctance of our endorsation of democratic principles in Canada in the form of an appointed Senate explicitly designed to check the shortsighted popular enthusiasm and sentiment is as moribund and obsolete as the upper Chamber in which it is embodied in Ottawa.

We still elect governments for four years, a virtual autocracy helplessly marking time until the term runs out and our politicians return to solicit our retroactive approval. Our MPs or MLAs, once elected, enjoy a truly splendid independence from our wishes and instructions as electors. They can loyally tow the party line or cross the floor, assiduously attend every sitting of Parliament, courageously participate in public hearings, as this committee's members are doing this morning, or they can go golfing. Some MPs and MLAs faithfully and frequently report to their constituents; others virtually disappear for months at a time. There is nothing citizens can do about it until the Prime Minister or Premier decides it is time to send us back to the ballot box to enjoy our split second of citizen power. Suggestions for a more extensive citizen empowerment such as the recall or the referendum or the initiative are inevitably deflected with the same empty and self-serving rejoinder: they would be contrary to the Canadian political experience and incompatible with the centralization of political initiative in the federal and provincial cabinet.

These traditional reactions are no longer appropriate, not for the day-to-day operations of a modern Canadian government and even less so for a process by which we are to rewrite the Constitution that will carry us into the 21st century. If there is any respect in which our Constitution has dated itself, it is the attitude towards its own citizens: the grudging and reluctant concessions to a democratic impulse that is seen as impetuous and dangerous.

The 1990s are, as the 1860s were not, a democratic age. A wealth of social, economic, and technological changes support the contemporary potential for a truly democratic polity. Note the word "potential." In the 1990s Canadians enjoy far more formal education than they did in the 1870s. Literacy is all but universal as is access to enormous amounts of information. We are effectively members of a global village. If anything happens anywhere in the world, we hear about it in minutes and see pictures within hours. Our children represent the first truly computer literate generation, completely comfortable with the world of electronic magic that our own generation still finds mysterious and strange. The traditional deference to established authority has been replaced by a large degree of skepticism, even cynicism, which while being disquieting to the politicians who once enjoyed greater and more silent respect, is a dramatic step towards democratic citizen empowerment.

The 1982 Charter of Rights and Freedoms provided Canadians with a guarantee of certain rights and freedoms that even governments cannot intrude upon, and the Charter is only the thin edge of the wedge. The political institutions of the next century will be more participatory, more democratic, more deeply based on responsiveness to change than those under whose authority we now live. The end and the means, however, must be related. An open and democratic polity must be achieved by an open and democratic participation of its citizens, of which this meeting is of course a good beginning.

9:10

I am constantly struck, however, by the irony of the present constitutional debate in which we are told over and over again that we are in a crisis without parallel in Canadian history. We hear it time and again. Yet the very established institutions and practices that have brought us to this situation are perfectly capable of resolving it in spite of the fact that it was the failure of precisely these selfsame institutions and practices that has created the present dilemma, an oxymoron of the first order.

We need a new start. We need to open the doors and widen the agenda. We need to involve citizens directly in planning the society of the future. In practice this means a constituent assembly, the clearest possible statement that the doors are open, the table is clear, the agenda is unrestricted, and the citizens are in charge.

If a constituent assembly is the how, the reform of our national institutions has to be part of the what. I take it for granted that the modernization and clarification of federal/provincial responsibilities will be part of the final package in the interest of efficiency and economy. However, reassigning powers can never carry all the load. If there is to be a Canada worth talking about, then there will still be a national government exercising significant powers in a number of areas affecting the lives of all of its citizens. We must ensure that for the first time in our existence as a nation those national institutions have fairness built into their structures and their operations. This means a whole package of reforms: the electoral system, procedures and practices in the House of Commons, and the Senate.

Meech Lake was a national trauma and a historic tragedy in some ways. In other ways it was a very successful endeavour and indeed has created an opportunity. So if we are to accomplish something for western Canada such as Senate reform, a triple E Senate in particular, then we have to make sure that it stays high on the national agenda, because it has been earned by historic grievances and problems that we have all suffered through and would like to resolve. The high-water mark was not achieved without considerable effort – and I'm referring now to establishing Senate reform as an issue on the agenda – and a certain amount of political embarrassment for this government and for others. We must not let these sacrifices slip away and become meaningless.

Now, the rest of my presentation is in point form, and I see that I only have a couple of minutes left, so I'll go over it very quickly for you. The point I would like to make is that government is part of the problem. Public satisfaction with governments is at an all-time low with regards to provincial governments as well as the national government. Never in our history have governments had a satisfaction rating below 20 percent, yet this government in this province, the national government, governments throughout Canada are suffering that embarrassment.

Why is it? Well, in part it's because government has a spending addiction. We have indeed spent ourselves into a situation where government can no longer provide the goods and services that citizens think they are paying for. Indeed, what they really are paying for is an interest on a debt for goods and services already consumed, for much of the tax dollars that they pay into the system at the present time. We have archaic and debilitating institutions. The parliamentary system in many ways is as antiquated as a buggy whip when you're trying to start an automobile. The Senate is an anachronism that affronts common sense, and we have numerous insensitive regulatory bodies such as the Bank of Canada. There are byzantine jurisdictional disputes going on all the time where one government claims jurisdiction over an area because fish swim up a stream that has a dry riverbed or because people are supposed to be able to convey themselves down these rivers when there's no water in them.

We have interprovincial trade, which in the Constitution of 1867 was guaranteed but in fact has never taken place. So in some ways all we need to do is practice the existing Constitution to resolve some of our problems. We have environmental issues, the jurisdiction over which threatens to establish in Canada the dominance of the central government over the rest of the country like interstate trade in the United States did to the national government in that country. We have duplication of services such as student loans and job creation for summer employment. The Nielsen task force report went on volume after volume identifying this. We have in Quebec a self-serving separatist government and/or opposition party which sees itself in some ways as preferring to govern a weaker national government than a strong provincial government.

With regards to the participation process in this constitutional change, we have in this country clearly a leader-controlled democracy. We could have a more direct democracy and a good mix of it. This committee is in the process of going in the direction of more direct citizen participation, but as you can see from my pyramid on public participation, it's a long ways to go.

With regards to the constituent assembly idea, I have listed the advantages and disadvantages, which I will go over should the committee choose to ask questions about it. I have also attached a list of the current proponents of constituent assemblies and the opponents of constituent assemblies. You can see from that list that while there is a healthy, useful debate about the pros and cons of the use of this idea, I think in balance one has to look very favourably at the need in this country for a constituent assembly to be struck to resolve the constitutional issues that are facing us.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Dr. Elton. Who would like to be first?

Before I do that, the Chair is remiss in not introducing Mr. Bob Hawkesworth, the MLA for Calgary-Mountain View, who has joined us.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. David, your analysis, as always, is succinct and I think applicable to the problems we face today. My questions on the constituent assembly deal with how you bring together such a body, how you make it representative and still have some change from the now representative elected assemblies that we have responsible for changing the Constitution but, as you say, have not been successful in recent years in gaining the faith and the support of the public in doing that.

DR. ELTON: One of the things that plagues the constitutional debate is this interesting notion that nothing should ever be done for the first time. Now, if you think about that, what would this building currently look like? We're talking about provincial Legislatures and the federal Legislature. The Prime Minister has made it clear that the best constituent assembly in this country is the House of Commons. He just happens to have neglected that none of the members of the House of Commons were elected for the specific purpose of restructuring the Constitution of this country. Indeed, when they were elected, this issue was debated hardly at all. If it was an item on the election agenda, it was number 103 out of 100.

So this is not a constituent assembly. It is a misuse of the name "constituent assembly" to refer to an existing Legislature or an existing parliament as a constituent assembly. Those individuals were elected to govern and to regulate the current system using the existing Constitution, and they have every right to do that. It does not mean that they do not have a responsibility to revise that Constitution and to reform it in part when needed to meet the current circumstances of the day.

But we're not talking about the current circumstances of the day. We are talking about a fundamental change in the structure and makeup of this country. We are talking about a threat to the very existence of this country. We therefore need a group of people who are elected with the sole purpose of putting it back together. Not that those people will do it themselves, not that they won't seek the advice of the existing governments and the existing public servants and the existing experts: of course they would do all of that. But we need this fresh look. Quite often when we decide to establish a regulatory body or we want to change a certain function within a government's program, what do we do? We go to outside consultants. We bring someone in from the outside, from the OECD or from the World Bank or from someplace, to say to us: "Here's another way of looking at this situation. You've got yourself in a bind. Here's a way out of it." Well, what we're saying is that the Canadian Constitution must be made by Canadians, but it needs to be made by Canadians who have only one job to do. To ask the existing Members of Parliament and MLAs to also write a new Constitution while they are governing, while they are heading up departments such as some of the people around this table are, is very much like asking a goalie to score goals, play defence, and act at the face-off and them blame him for not doing a good job of net minding. You've got to share these functions around. To think that you can load them all onto the existing elected representatives is in my view folly.

9:20

MR. ANDERSON: Mr. Chairman, if I could just follow that. Could Dr. Elton indicate how one has this Assembly? In other words, is it an election of the sort that there was to elect members of this Assembly? If that's not the case, are you looking at the Philadelphia-style formula, where the Legislatures in fact appoint individuals who will achieve this end? I'm still trying to follow that through to how those decisions are then made. We do have a constitutional framework and requirement that Legislatures and the federal government be involved, which until that itself changes is the only mechanism we do have for change.

DR. ELTON: I'm not suggesting a change in the rule of law. If you look at this public participation pyramid which I've provided to you, you can see the various gradations. What we've done is moved from the Meech Lake approach, which is First Ministers' Conferences, with this committee, to using legislative committees as an input to make recommendations as to how the Constitution can be changed. We could go the next step, and I would argue we should, which is to establish what most people refer to as a constitutional convention, which is a group of people appointed to deal with constitutional reform. The Bélanger-Campeau commission was a type of constitutional convention. Whether one agrees with what it came up with or not, it was one step removed from having only legislators deal with the issue. You can then go to the next step, which has been advocated by many people in the last six months, and the list of them on the last page is very long, which is a mixture of appointed individuals and elected individuals based in part on representation by region, based in part on representation by population. You can then go to the most democratic, most open process, which is the election of these individuals.

Now, how would their recommendations be factored into the existing constitutional procedure for changing the Constitution? Very much the same way as this committee's recommendations fit into that process. You are going to meet, listen to a lot of different Albertans, make up a report, and hand it back to the Legislature, who may decide to put it on the shelf with a thank you very much, may decide to take three out of your 47 recommendations, or may decide to take all 47 of them. I would see a constituent assembly basically the same way, with a wrinkle. If we strike an elected constituent assembly, they are now elected by the people of Canada to do a specific job. They would then make their set of recommendations and hand them over to the governments for consideration The first ministers could meet, the Legislatures could debate it and hand back their recommendations to the constituent assembly, who would then make whatever amendments they thought appropriate and then submit it to the ultimate authority in a democratic society, the people, in a referendum. The referendum would be held and could only be passed if there were majority support among the electorate of a majority of the provinces based on the 7, 50 rule in the current Constitution. If it passed that hurdle, it would then become the new Constitution of Canada. A fairly simple process, really, when you think about it. Now, that would look after all of those contingencies. What would be left, then, would be for the governments, because of the existing Constitution, to formally ratify what the people had already told them that they wanted to have done.

MR. ANDERSON: Dr. Elton, I assume that, as always, we can look forward to the Canada West Foundation giving us some of the details on how this would operate.

DR. ELTON: This whole process will be spelled out in much more detail.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks, Mr. Chairman. I just need to explore this a little further. I'm intrigued by the idea of a constituent assembly. I've had questions put to me already on it, and not having the answers, I'll just deflect them to you, Dr. Elton.

The process we're going through right now you've already described in some detail. The presentations that are being made here today, around the province, are all going to be factored into a map, I guess, showing who's saying what and how many people are saying it. Also, you may be interested to know there have been several thousand phone calls already to the task force, many with recommendations which, again, are all being recorded, and there have been several hundred written ones. Also, as individual MLAs we're doing this type of thing in our constituencies. All this information is going to be collated, and we'll have an opportunity to see: this is what the people of Alberta are saying in these percentages of numbers.

Now, what has been tossed to me as I've talked about a constituent assembly is: why would we layer on another layer of people that would be seen as a buffer zone in what's happening now? People have asked me: what would make that elected person any different than any other elected person once they are elected? Can you give me some answers back on that?

DR. ELTON: Yes. You would have probably a very different type of person running, plus some of the current people who are running for public office, because they would have but one purpose. They wouldn't be there as part of a career or career planning or part of a long-term objective; they would be there to make their best effort in terms of a constitutional reform package. We are not short of ideas in this country as to how to reform the system. Those ideas have been out there, and there are some excellent ones. The report that Mr. Anderson chaired and presented here six or seven years ago was an excellent report. The ideas for fundamentally changing the party discipline problem in this country have been out there for a long time in terms of reform of the House of Commons, but it has never happened. The ideas are there.

What we need is a decision-making body, one that is independent of the current process. However well meaning, those who are currently members of Legislatures, members of political parties, or public servants who advise those individuals have a vested interest in perpetuating the status quo. It is in a real sense a tyranny of the status quo. We're all caught up in it. You're caught up in it; I'm caught up in a tyranny of the status quo. The purpose of a constituent assembly is to break through the Gordian knot that is holding us all back from achieving our highest potential as a country, as a group of people who live in communities one with another. So that's the idea of a constituent assembly.

It would be very different because it would have one purpose, and once having accomplished that purpose, it would dissolve. It may fail, but we shouldn't look at that as being something that should stop us from doing it. If failure is what keeps us from doing something, then we should never again hold a First Ministers' Conference. They have failed more often, on bigger issues, than any group I know of, yet I'm a strong supporter of First Ministers' Conferences, not because they don't fail from time to time, not because they don't cause problems, but because from time to time they also do it right. From time to time they also get it right. So I'm saying that we need to try this process. What if it fails? If it doesn't work, then you go back to the process that we've got. But if we just continue to perpetuate the status quo, we continue to perpetuate the tyranny of that status quo and its unsatisfactory solutions to our problems.

MR. CHUMIR: David, you state that if there is to be a Canada worth talking about, then there will still be a national government exercising significant powers. There's been some suggestion that the provinces should exercise all jurisdiction and eliminate any federal role in health care and the social services area. I'm wondering what your view would be with respect to a continuing role for the federal government, at least to the extent of setting minimum national standards in that area.

I'd also like, if I could, to get your views on immigration power and whether or not there should be a reduced federal role and an enhanced provincial role as is being proposed.

9:30

DR. ELTON: Let me start first with the federal government. I didn't mention it, because we didn't have time. We're talking about a government that uses almost all of the money that you and I pay on a monthly basis in income taxes, whether it's $500 or $2,000, to simply pay the interest on their addiction. That's what they're doing currently. If one looks at established programs funding and how they're planning on tailing off on providing that funding, they have already abrogated their right and responsibility to establish national standards in that regard because they have in the past established a set of national standards that they can't come close to funding. So they're living in a dream world. When we look at a national government that tells us in their budget a few months ago that within five or seven years they will almost be completely out of health care, what right do they then have to come back and establish the very same standards that have basically bankrupted the country already because they haven't been able to make the adaptations? I do not buy the argument that simply because a national government makes a decision, it's necessarily a better decision, and I don't buy the argument that simply because a provincial government makes a decision, it's necessarily a better decision. There needs to be a sharing both ways.

We do have a national identity. I am a strong, committed Canadian. I'm also a very strong, committed Albertan, and I see no inconsistency in those two things. That's what makes us Canadian. So we've got to have that strong national government, but when they have proven their ineptness, why would we want to perpetuate it?

Now, that means there's going to have to be some adjustments, and there are ways of doing that. Our Constitution currently was written in the 1860s, when governments did relatively little. I would argue that we've gone too far and that governments indeed need to downsize considerably at both levels. But in the process of doing that, surely we can rationalize the programs so they meet the needs of Canadians in a way in which they can afford it. Currently who's paying for our health care? Part of it is being paid for by Japanese banks; part of it is being paid for by New York bankers, who at a given point in time are going to say, "Pay up or else," and the "or else" has now come home to roost in Ontario. It means: or else you pay higher interest rates; or else we'll quit investing in your country and we'll quit facilitating your role and your ability to play an active role in the world economy. That's what's happening in this country. We are in a very real crisis because this national government has set standards that we can't afford. It isn't that we don't like them; it's that we can't afford them. We've got to rationalize that.

How do you do it, quickly? I would argue that you move more towards the whole idea of concurrency; not that you try and separate once and for all which government's going to look after what, but that you establish some type of concurrency where the governments share the decision-making based on some rational delivery of a service that can be afforded, some type of limitation on government's ability to spend us into bankruptcy. That would therefore have a concurrency in some areas with provincial paramountcy, in other areas with federal paramountcy. Immigration is a good example of that. Immigration is something which I think provinces will play a role in because they're involved in economic development. In the final analysis, that's what drives immigration.

I'll stop there.

MR. DEPUTY CHAIRMAN: Thank you. I think we've just used up the coffee break, but it was well worth it, Dr. Elton. Thank you very much for your presentation.

The next presenter is Tom Bateman of the Citizens for Public Justice. Good morning.

MR. BATEMAN: Good morning. Well, I guess I've got Andy Warhol's 15 minutes before you, so I'll try and make it . . .

MR. DEPUTY CHAIRMAN: They tend to get a little elastic, but at the end of the morning we're going to . . . We'll try to do the best we can, Tom.

MR. BATEMAN: Great.

I would like to concentrate on one subject this morning since there's very little time. I'll just note that the remarks I'm going to make are based on a paper I wrote for Citizens for Public Justice which was submitted to you earlier. The paper's entitled Toward a New Canada: Building Bridges Across Borders. It's kind of a complicated paper, because it intricately discusses the concepts of identity, individual identity and communal identity. One of the salient features of the constitutional debate in this country is that we are looking at a kind of political diversity which involves differences among individuals as individuals but also differences among individuals who consider themselves members of communities. I would say that our political system is fairly well set up to deal with diversity among individuals. We can look to the Charter of Rights, for example. But many of our problems have to do with how our political and constitutional system deals with communities, with people whose identities are communally defined. It's awkward, and in some ways the thinking that we have on this is just not coming up with very good answers.

One of the ways in which our system deals with diversity is by trying to package diversity in provincial boxes. In other words, we want to define diversity in regional or territorial or provincial terms, and if we can only understand diversity that way, then we can solve the problems. For example, when we had what was essentially a linguistic, ethnic, and religious diversity at the beginning of Canada between what is now Quebec and the rest of English-speaking Canada, we said: "Let's package it as a regional question. Let's understand this kind of diversity in regional terms, and then we can use federalism as a solution to it." That has not done us too badly over the years, but I think it's proving a little bit inadequate for many kinds of diversity that now exist in Canada.

Now, I'm going to just leave that and focus on one aspect of the paper that I wrote, and that is electoral reform. As you've just heard, democracy and the relationship of representatives to voters is a difficult issue. It's really very much at the centre of the debate right now in Canada, yet electoral reform is not something which is discussed very much. Why? Well, we have the habit of again packaging everything in terms of federalism, and so much of our debate is focused on the division of powers. I would like to suggest that electoral reform would help to reflect more of the kind of diversity that Canada presently contains, because the more we focus on regional diversity and the more we try to package a nonterritorial kind of diversity in regional terms, the more short we come up, the less representative our politicians are, and the more likely it is that diversity is going to be expressed outside of the parliamentary arena. I'm not sure that's good for the political system as a whole. I'll come back to that in a minute. I'll just say right off the bat as well, of course, that there's a lot of resistance to electoral reform, because all of you around the table here are the beneficiaries of the present system. So I acknowledge that there might be just a little bit of resistance there. However, as Mr. Elton has said, the more we are tied to the status quo, the sooner this country is going to sort of fragment in our hands. So we have to take some serious looks at some serious reform.

Three major problems, I think, exist with the current electoral system, and by the current system I mean the single-member constituency plurality system. The first major problem is that it aggravates regional conflict in this country, and it does so in the following way: it encourages electoral success among minor parties whose support is regionally concentrated. If you look at all the electoral data throughout Canadian history, we find that parties whose electoral support is perhaps substantial but yet diffusely distributed across ridings in Canada are very underrewarded in terms of the seats they get in Legislative Assemblies. We also know that, historically, major parties have been shut out of certain regions despite significant electoral support in the regions in which they have few or no seats at all.

What this means is that if someone is considering how they can make a dent in Canadian politics, how they can be active in Canadian politics, the electoral system forces them seriously to consider phrasing their ambitions, their concerns, and their issues in regional terms rather than nonregional terms. That way the likelihood of electoral success for them increases. So what we have, then, is an electoral system in this country which exacerbates regional conflict rather than – it represents regional conflict among all the other kinds of conflicts or cleavages that do exist. That's a significant problem, because we always, you know, whine about how regional problems are at the centre of the Canadian debate. Well, we have some mechanisms which perhaps make these conflicts more important, more salient than they really are.

9:40

The second major problem flows from the first, and that is that the electoral system stifles parliamentary representation of political diversity. Here the converse of the first point is also true, that minor parties with diffuse electoral support across all constituencies have very little chance. For example, if a party that runs nationally in an election has 20 percent electoral support across the whole country and if that 20 percent of electoral support is distributed evenly across all 295 constituencies such that candidates in each riding get 20 percent of the vote in each riding, how many seats will that party get? Zero. Certainly it will get zero seats, and the primary arena in which political diversity ought to be represented – namely, the Legislative Assemblies or Parliament in Ottawa – does not actually have political diversity in the country represented in it. What that means, I think, is that diversity doesn't go away as a consequence; it just gets expressed in different ways.

For example, I would suggest that the proliferation of interest group politics in this country is a consequence of the failure of the electoral system to reflect the diversity of Canadians in the parliamentary arenas designed for that purpose. I would also suggest that people are more inclined now to use litigation, particularly of Charter rights, as a way to express diversity and to seek recognition of diversity, because their chances in the electoral arena are marginal. I would also suggest that one of the reasons for calls for Senate reform has to do with the inadequacy of the electoral process in representing diversity as well. It may very well be that interest group politics, an increasingly litigious political culture, and perhaps even some of the arguments for Senate reform are not the most efficient ways to go about accommodating diversity in this country. Let's have a hard look at electoral reform.

The third major problem with the electoral system is that it tends to produce cynicism among electors. You're probably blue in the face now after hearing about all the cynicism of the electorate in this province and in this country. I'm sure you've just had earfuls last night, and you're probably going to get a lot more as you travel around. That, I think, also has a root, at least in part, in the inadequacy of the current electoral system. The problem is that when people look at the distribution of seats in the Legislative Assemblies, they say, "Gee, that sure doesn't reflect my sense of public opinion in this province or in this country." They also see, when they compare the popular vote a party might get to the number of seats, the percentage of seats that party gets in the House, that, "Gee, there just isn't a link between the voter and the party." That's, I think, a very difficult problem.

If we look, for example, at how many times a majority of electors actually voted for the majority party in a federal election, it only happened three times in this country since 1921. That's not a very good record. On all other occasions a minority of the electors actually voted for the winning party in the House of Commons. If we look at this province in its elections, we also see that the winning party has consistently been overrewarded in terms of the percentage of seats over its percentage of votes. Probably the most extreme example of this phenomenon occurred in 1982, in which the Progressive Conservative Party garnered 62 percent of the vote across this province but managed to win 95 percent of seats. The consequence was that other parties got significant percentages of the votes but, in some cases, a very small percentage of the seats or, in some cases again, no seats at all. Eventually, these kinds of consequences will percolate somehow, and what they will do, I think, is diminish the legitimacy of the Legislative Assembly in the eyes of voters. That's a consequence we cannot afford to perpetuate.

I'd also mention just one point about your discussion paper, and that is that a question actually is asked about electoral reform, and I think that's good, because it shows some thoughtfulness on the government's part. On the other hand, proportional representation is associated with government instability, so the suggestion is that the current system, for all its foibles, produces stable governments, stable majority governments, which is a requirement for parliamentary democracy, and that proportional representation is associated with instability in parliamentary government. Well, as it happens, between 1957 and the present, in federal politics anyway, there have been 12 general elections; six of them have produced minority governments. So we cannot associate the current system so obviously with stable majority government and the alternative with unstable government. Proportional representation is used in many countries, and it's working just fine, thank you very much. Furthermore, it's possible that a move toward proportional representation doesn't mean we have to throw out the current system altogether. Many highly regarded commissions have suggested electoral reform which would mix some measure of proportional representation with the current system. Pepin-Robarts is the national report of 1978 that comes to my mind on this point.

So it can happen, and the beauty of proportional representation for this country, of course, is that it means that no one's vote is wasted, so everyone's votes get reflected. It also means that if we have a significant percentage of votes for a party in a region which is otherwise shut out in terms of seats, a PR scheme of some kind will ensure that a representative will sit in the House of Commons from that region just because of the percentage of votes that party got there.

I don't want to talk too much about the mechanics of proportional representation, because it's highly complex. I think I read somewhere at one time that there are about a thousand different variations on the PR scheme, so let's not get into that. But what I would like to impress upon you is that the electoral system requires your attention. The book is open on the Constitution in this country, and you're being asked to consider just about everything under the sun. My appeal is that you don't forget about the electoral system in the process. It's going to require some courage, I think, on your part. Why? Well, because you're the beneficiaries of the current system, but a little courage never hurt.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Mr. Chairman, Tom, you've outlined very articulately many of the benefits of a proportional representation system. As you say, there are many throughout the world, and some united with single transferable ballot mechanisms. The aspects that you didn't deal with that maybe I could ask you to speak to, though, are . . . During these hearings, as short as they've been to date, we've heard complaints about the party control system and more of a desire for individuals to be able to speak on behalf of constituents. At least by most systems of proportional representation, you would have, the way I understand it, more control by the parties and therefore less by individuals. Also, you would move away from the representative of the riding per se and into representatives of the parties on a more provincial or national basis. Do those aspects concern you at all?

9:50

MR. BATEMAN: Yeah. Good questions. I think the problem is not party discipline; the problem is the nature of parties to which discipline is required. There's no question that proportional representation in many schemes does help to solidify the element of party discipline. For example, in a common mechanism, the list system, in fact it's the party that draws up the list of candidates in ranked order in a multimember constituency, and people vote for the party, not for a representative. So that's a pretty strong relationship between the representative and the party.

I don't think that's a bad thing. Government has to be workable, and party discipline is, I think, a necessity in a parliamentary system of government. But the beauty of PR, you see, is that it allows for the development of different parties reflecting different views of things. It's very responsive even to small degrees of support for a political agenda. For example, if regional concern was salient, then PR would accommodate a party with a regional agenda. On the other hand, if a party, for example, submitted a list of candidates in an election which voters did not regard very highly, chances are that party would not garner the number of votes that it would otherwise if it had a more palatable list of candidates put up. So the connection between the candidates and the electors is not severed by any means in a PR system. Also, I think in the Canadian context a mix of the current system with PR ensures that the link between the elector and the representative also is not linked. It's an add-on to correct some of the problems of the current scheme.

Direct democracy, you see, is a beautiful slogan, and we can talk about referenda, and it all just sounds so great, but actually that is not a panacea in my view at all. Who writes the questions for referenda? When are the questions asked? What kind of information should electors have at their disposal when they're asked questions? You see, referenda sound beautiful: more power to the people, the flowering of democracy and all that kind of stuff. The reality is, I think, quite to the contrary. If we look at California, for example, and if we look to electoral participation rates in the United States – which is mechanically one of the most democratic countries because you can practically vote for your dogcatcher in many places in the United States – they have incredibly low participation rates. People don't vote. You know, when you get information this thick for the different propositions that voters vote on in California referenda . . . I don't think referenda are a panacea by any means, particularly with the complexity and the interrelatedness of issues that our governments deal with these days.

MR. DEPUTY CHAIRMAN: Our questioners list has exploded. Would you kindly keep these tight, please?

Sheldon.

MR. CHUMIR: Tom, you referred in your paper here to a need for a minimum level of services for all Canadians, regardless of province of residence, as being just and entirely in keeping with a sense of political community. I'm interested in this centralization versus decentralization, particularly with respect to medicare and social programs. I'm wondering: are you supportive of a continuing federal role with respect to minimum standards?

MR. BATEMAN: Well, I certainly would not support the emasculation of the federal government in the constitutional changes that are upcoming in this country. Some kind of constitutional reform along the lines of the Allaire report, for example, would be a balkanization of this country. Health care and shared-cost programs in general are difficult because we know historically that some very positive innovations in the field of social programs have occurred at the provincial level. There is that experimental side of things, which is useful to have. It's useful to keep some of the opportunities for that experimentation alive, and by doing so, you preserve provincial jurisdiction along that front, but some minimum level, some minimum national standard I think is required. Some minimum degree of portability is required in order for Canada to remain a political community. I'm not interested in overweening federal dominance, but some minimum standard, I think, is perfectly in keeping with Canadianism.

MR. CHUMIR: Do you see this being done by the federal government as opposed to a voluntary co-ordination between provinces?

MR. BATEMAN: Well, in some ways that's a false distinction, because federal intransigence and coercion on these things – it doesn't work, actually, and there will have to be co-ordination.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Tom, in your brief you spoke of support for the concept of aboriginal self-government. I'm wondering how you see that concept integrating with proportional representation.

MR. BATEMAN: Yes. Another excellent question. I haven't thought that one completely through, actually, and in fact the whole concept of self-government, as you're aware, is very complex and requires a lot more discussion than can be encompassed in one paper. How it would work with native communities is not crystal clear, but what I can say in general terms is that if nothing else is done on behalf of native people in this country, the PR scheme certainly would allow for a party, for example, to emerge with justice for native people as its primary agenda. That possibility does not exist with the current system. So that kind of thing is possible, everything else aside. I know that some provinces are talking about setting aside a certain number of seats for representatives of native peoples so that they would overlay like another level of constituencies over the existing level of constituencies, but this new level of constituencies would be for the election of native representatives by native peoples themselves. I think New Brunswick is thinking of something along that line; that's aside from the PR question. I don't know enough, actually, about that subject to comment on it.

MR. CHIVERS: If you would like to submit further comments on it, please do in writing later on.

MR. BATEMAN: Okay.

MR. DEPUTY CHAIRMAN: Bob.

MR. HAWKESWORTH: Thanks. I appreciated your comments about proportional representation. I think it's fair to say the practical result of that would be perpetual minority government in Canada. By adopting . . .

MR. BATEMAN: Well, we're going to get that anyway, you know. If things continue as they appear to be going now in Canadian politics, with the Reform Party out west, Bloc Québécois in Quebec, we're heading in that direction anyway.

10:00

MR. HAWKESWORTH: Well, one thing I've learned is that you can't predict the future particularly well in politics in terms of electoral success. The question I have: given the likelihood of this structural change you're proposing, this perpetual minority government, what's the role of the Senate in all this?

Is it abolished? What happens to it? You could have basically a hung Parliament forever if you're not careful.

MR. BATEMAN: Sure. Okay, let me just comment on your premise. It's really quite startling to think that in Canada since 1957 we've had six Parliaments out of 12 with minority governments. The reason it's surprising is because we associate minority government with instability. We had a little bit of that between 1979 and '80, but actually a minority government doesn't necessarily mean hung Parliament. It doesn't work that way necessarily. We've had examples of minority governments in Manitoba and Ontario recently. Those were not wholly objectionable forms of government. You see, the thing about proportional representation and the possibility for a minority government is that it doesn't present a false veneer of consensus or homogeneity. It reflects the diversity that is out there; if you like, it takes it seriously, it makes it public, and it puts the diversity in the arena, in the forum best designed to accommodate it. So what we have then are representatives of parties who say, "Gee, we've got some differences, and if we don't conciliate them for the purposes of this budget, this set of policies, we're going to have to just dissolve Parliament again and go through another election and perhaps perpetuate the same results." These are strong incentives to say, "We've got differences, we have to recognize them, and yet we have to work together in spite of them and move on."

MR. DEPUTY CHAIRMAN: With that I think we're going to have to move on. We've now done two presenters when we should have done five, and it is now 10 o'clock, so we'll thank Tom Bateman and ask Harry Palmer to come forward.

Good morning. Welcome.

MR. PALMER: Good morning, Mr. Chairman, ladies and gentlemen.

MR. DEPUTY CHAIRMAN: Proceed. Time is running.

MR. PALMER: Okay. All right. Some time ago I made a presentation to the Alberta task force on constitutional reform and submitted a 30-page paper, and that paper was entitled Canada's Future and Constitutional Reform. Subsequently, I'm now speaking on behalf of a very embryonic organization called Canada Ensemble, and this paper I'm going to speak from today is an updated and very small piece of my original 30-page paper. The paper today addresses a special elected assembly for rewriting the Constitution of Canada.

Now, I guess when you start out on these things you always want to make sure you ask lots of whys: why this, why this, and so on. Of course, the first question is: why write a new Constitution? The country is full of people now who are wanting to change the Constitution. I am certainly one of those that believes in the idea of at least, shall we say, cleaning off the blackboard and looking at what alternatives are available to us, recognizing that in the realities of political science, political life, we'll eventually get whatever we get. The thing is that the starting point is: let's clear it off now. We've got this big dilemma; there is a crisis; let's look at what hopefully are the ideal solutions.

Coming back to the question of why a new Constitution, I'm going to put one question or one point to you, and that is that I would guess there wouldn't be 2 percent of ordinary Canadians at the most who have ever read the Canadian Constitution. This is not a statistical analysis, by the way; it is only my estimate. But I would guess that of the 2 percent that have read it there may be only 2 percent that may have some understanding of what the Canadian Constitution is.

Now, I guess we know that it doesn't matter how simply and how concisely a Constitution is written; eventually the lawyers, the politicians, and the judges will take whatever document we have and it will be interpreted on the existing words. The point I'm trying to make here, though, is that ordinary people just have no real sense of what our Constitution is about. So that's the focus I want to put on here right now, as to why instead of the Constitution Act from 1982, the Constitution Act of 1867, and – I don't know – something like 26 attachments to the Constitution Act of 1982, we should have a new Constitution, one document, complete, concise, and understandable to the people.

MR. DEPUTY CHAIRMAN: As our colleague here who favours writing things in plain English, that's what you'd like to see, a new document in plain English.

MR. PALMER: Yes, exactly, so the ordinary people could get some sense of it.

MR. DEPUTY CHAIRMAN: I should say "plain language."

MR. PALMER: Yeah. It could be in English and in French.

All right. So that's the focal point at the moment. In my 30-page brief earlier, there were a lot of changes I'd proposed, but there's no time to address those things today.

The next thing is: why do we need a special elected assembly? I want to read these off. The first is that Parliament and the provincial Legislatures are twisted up and distracted with constitutional matters to the detriment of other necessary national and provincial business. We're spending a lot of time on that and not necessarily being able to spend our time – when I say "our time" I'm talking about you people – on the other very important parts of running the government as it exists.

Another reason for this assembly would be to protect the process from destruction caused by changes of government at the federal and provincial levels. You know, that's part of what caused the failure in the Meech Lake accord. There were many reasons obviously, but one reason was that there were changes of government as the process was ongoing, so when people thought they had agreement they lost it. You can see the same thing is going to happen again if we're going the same route; the timing of the changes of government is going to foul us up again.

The other reason for the assembly is to have a more collegial, nonpartisan forum to develop a consensus from all parts of the nation, and I think there's a way of getting a collegial, nonpartisan forum.

Also, the assembly would, I think, be the most credible way to override the existing amending formula in the event that proposed changes would be subject to the unanimity portion of the formula.

I realize that there's only part of it that is subject to unanimity, but if we have an assembly going, I would suspect they'd want to be able to deal with everything. They could very well run into unanimity. Unanimity has been achieved before, but it's again terribly difficult.

10:10

Finally, the credibility of the process legally and politically I believe will come from the fact that it is elected and there is a ratification process at the end of it. The referendum comes at the end, not at the beginning. The purpose, then, is to serve Canada while recognizing the distinct characteristics of each province. As I said earlier, I guess we want to be sure the Constitution ends up as a single document complete, concise, and understandable to the public. The process has got to provide all Canadians a fair opportunity to participate in that change. I'm not proposing that day by day somebody has to respond to whatever is going on in the assembly, but from time to time when the assembly itself has, shall we say, bits of consensus, they should be able to lay it out and give the public a chance to digest it. When I use that expression "digest," I realize in terms of timing an assembly itself, because of its small numbers and working together, could probably rewrite a Constitution relatively quickly. I'm talking now a matter of months. That is not where the time is going to be required. The time is going to be required in the digestion of what they find and sharing it with the public and getting it understood and eventually agreed.

Now, in terms of representation, I'm proposing a representation that's equal for all provinces, the territories, and the aboriginals resident in the provinces. I'll speak to that particular component. Specifically I'm looking at aboriginals as having land. They have more land than the smallest province; let's put it that way. They have more people than the smallest province. So I'm looking at them in the context that they're a little bit like a province. They're not governed like a province, but they are represented like a province in the sense that they represent land and people and they have enough significance there that I think that's the way they should be represented. I speak to them as representing aboriginals resident in the provinces, not in the territories, because in the territories – certainly in the Northwest Territories and partly in the Yukon – there is a strong aboriginal component in the government in the first place. In a sense they are represented there.

The election of representatives. I guess probably you've heard the expression – I think it was Boss Tweed, one of those machine bosses, I think, in New York, who said: I really don't care who does the electing as long as I do the nominating. Of course, that's always the dilemma people have. I mean, even under current situations people say they don't really have a choice, and of course they don't have a choice if they didn't get involved with a party and help select nominees. Anyway, that's obviously one of the dilemmas in forming a constituent assembly. How do you get the nominees? The trick, of course, is to find people who are nonpartisan, who are relatively arm's length, if you will, from the current incumbent political situation. In this proposal the incumbent politicians would be ineligible. Again, I'll use an analogy. They're a little bit in the position of the farmer trying to pick up the bale of hay he's standing on; you can't do it. I think Dr. Elton perhaps spoke more eloquently than I did on that subject. But because of the very nature of the Constitution, I think in today's Canada and today's perception of our representatives – what they do, what they can do, and what the people want – it would be very important that the assembly be elected from another group. It needs to be elected, though, to help the credibility of the end result. You get that credibility and the end result from the election at the beginning and the ratification at the end.

In the paper here I propose two ways of selecting the nominees. One method is to use the current parliamentary committee that traveled around Canada and listened to people representing the questions of the amending formula. It was a multiparty committee, and they had the experience of meeting a lot of people across Canada who presumably had some experience in constitutional affairs. Probably one of the problems with that method of selection is the fact that they were dealing maybe more with experts than with what we necessarily would need to write a new Constitution. Again, experts can be called upon, but we really need people with wisdom and depth and different points of view.

The other method I've suggested here is one that uses the Order of Canada. As you well know, there are about 2,100 living members of the Order of Canada today. They exist in all the provinces. They've been selected over a long period of years. They are unpaid. They have their position, and it's an honourary position. They get a medal, maybe the only tangible thing they get. They normally are never involved directly as members of the Order of Canada, but this again comes to the question of maybe it's the first time. What I'm calling for or suggesting is that the members of the order in each province would form a nominating slate of seven, and then their committee would shut down. The nominating slate would go to work and spend at least a month selecting nominees. I was looking at six representatives from each province, and I'm suggesting a selection of 12 people who would be nominees to be elected to the special assembly.

MR. DEPUTY CHAIRMAN: Mr. Chivers.

MR. CHIVERS: Yes, I just wanted to pick up on that last point that, from reading your brief, is indeed your proposal: six from each province, six from each territory, and six for aboriginal people. Now, that's exclusively representation by region. It takes no account of representation by population. Don't you see some difficulty there? Dr. Elton in his submission suggested that it should be a combination of representation by region and representation by population. Would you agree with that?

10:20

MR. PALMER: No. I think representation by combination of territory and the representatives of that territory is appropriate. When you go down the line it may be that's where a compromise comes. But my position is: why compromise to begin with? Why don't you start with what you think is right? What I think is right is equal representation.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Just quickly, what you're asking, Harry, if I follow you on this nomination process for the constituent assembly, is that you have first one layer of people who are not elected, the Order of Canada; a nonelected layer nominates another nonelected layer which would be the nominating committee, who then would select candidates. So you would be presenting to the electorate a third layer of nonelected . . . You've gone through three layers of appointed people, not elected. You're asking them to be nonpartisan, and then you're asking the people to vote. I need some help with that. How would people have any sense of how these people they're going to elect are going to pull together something like centralized government vis-à-vis decentralized government, that type of thing?

MR. PALMER: Well, I think the nominators will have to lay out statements of why they chose. What are the credentials of these people? Not only what are their historic credentials, but why are they being selected to do this job? That should be a statement laid out so everyone would know why the selection was made.

MR. DEPUTY CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Mr. Chairman, my question follows on Mr. Day's. An interesting approach and some unique thoughts there, and we certainly need all of those that we can get. The use of the Order of Canada: I don't know that those individuals have any particular understanding of constitutional needs that wouldn't be in any other group. They've been chosen because of their particular dedication to Canada in different respects or achievements in science and health or . . .

MR. PALMER: Sports.

MR. ANDERSON: . . . exceptional bravery or many others.

MR. PALMER: Politics and business.

MR. ANDERSON: Some in politics and business. But I don't know that the public would see them as a group representing the public in making those kinds of choices. That's of course the problem we get into: who decides what? Right now we have people elected by an electoral process supposedly to make decisions with regard to the country and the province. Finding another mechanism for that is a challenge, and making sure that in finding the mechanism we aren't losing all the information that would go into creating this new Canada or new Constitution is another challenge. We could discuss that aspect for some time and probably will over the next few months.

The portion dealing with native representation: I didn't quite understand how that would work. We have native people from a variety of different backgrounds in different circumstances across the country who don't necessarily agree one with the other on the direction that should take place any more than many of us in Alberta don't agree one with the other. How is that choice going to take place? Could you just define that a bit more?

MR. PALMER: Well, I think obviously we would have to get advice from the leadership of the aboriginals resident in the provinces. There are structures there now where they could speak to that. I certainly wouldn't pretend that I could choose that, but I think they could.

MR. ANDERSON: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Palmer.

I'd ask Dr. Karen Taylor-Browne to come forward on behalf of the Council of Canadians of Calgary. Welcome.

DR. TAYLOR-BROWNE: Mr. Chairman, lady and gentlemen, my very brief submission to you today will certainly advance the speed of your process.

The Council of Canadians is a national organization which represents approximately 20,000 individual Canadians who live in all regions of the country including Quebec. Its goal is to contribute to Canada's democratic development and to the enhancement of its political, cultural, social, and economic sovereignty. Its individual members are dedicated to safeguarding our rich national heritage through preserving and enhancing our distinct identities and our sovereignty. We believe that as Canadians we must take our destiny into our hands so Canada can continue to play a constructive and respected role in the community of interdependent nations.

In pursuit of these objectives, the Calgary chapter of the Council of Canadians has become actively involved in the current constitutional debate. Our exclusively volunteer executive has organized meetings where our own members as well as the general public were able to meet commissioners from the Citizen's Forum on Canada's Future. We've obtained copies of the discussion paper produced by the Constitutional Reform Task Force of Alberta and distributed them to our members. We've encouraged our members to read the transcripts of the task force round table discussions. However, unlike organizations such as the Business Council on National Issues, we have not been able to sponsor symposia where our members could obtain the information we believe we need to have in order to answer the questions posed in the discussion paper Alberta in a New Canada. We sincerely regret this, and we hope that in the future we shall be able to remedy this situation so we will be able to develop a coherent and well-articulated position on the Constitution that has the support of all our members.

This brings us to the substance of our present brief. The Calgary chapter of the Council of Canadians has asked to appear before the Constitutional Reform Task Force of Alberta in order to express to you our concerns about the process the government of Alberta has chosen to use in developing an Alberta position on constitutional reform. Our observations about the substance of the constitutional position will be rather limited and general since we believe in having a democratic process and having participation and agreement of all our members, and we don't believe that's been able to occur in the limited time we've had available to us.

In the preface of the transcribed proceedings of the round table discussions of the Constitutional Reform Task Force of Alberta held last November, the mandate of the task force and the process it would follow were described in the following way:

> The government of Alberta established a Constitutional Reform Task Force to examine the province's future in Confederation. As a first step in the process, the Task Force is holding roundtable discussions with constitutional experts on the changing nature of federalism.
>
> As a second step, a discussion paper . . . on the roundtable meetings will be issued to Albertans. Thirdly, full public hearings will be held throughout Alberta in order to develop an Alberta position on constitutional reform.
>
> Finally, recommendations will be submitted to the Legislature for full public debate by all parties.

In the introduction to the first of the round table discussions, the Hon. James Horsman elaborated on this process and suggested that

> Once that discussion paper has been prepared for consideration by Albertans, I hope that we will at the same time have devised some fundamental questions we'll try to have . . . posed.

We have the following observations to make on this process. To begin, we believe that the publicity concerning the task force and its purposes has been far too limited. The discussion paper developed by the task force does not appear to have been

> circulated as broadly as possible so that all Alberta households will have the opportunity of responding to the questions.

More importantly, Albertans have not been provided with the information they need to answer the question posed in that document. Although average Albertans were not prevented from attending the original round table discussions, they were certainly not encouraged to participate. The meetings were held at times when few people would be able to attend. The locations where the meetings were held would not necessarily accommodate large numbers of observers, and the individuals who did attend could not become directly involved in the discussion on the questions they presented in writing, even when those were misinterpreted by members of the task force or the expert contributors. We believe that if the government were truly interested in involving average Albertans in the articulation of a constitutional position, they would have held well-advertised public forums so that people would become better informed about the issues. We also believe that they would have included at least one more step in their deliberation process.

10:30

Based on the outline of the process it appears to us that once the present hearings have been concluded, Albertans will have no further opportunity to participate directly in the involvement of the province's constitutional position. We find this unacceptable since it means that we will be unable to scrutinize in detail the final position adopted either by the government of Alberta or the government of Canada or other governments besides Quebec. Our government could once again go behind closed doors to reach a constitutional agreement we find unacceptable.

We believe that if the government had been truly serious about having its citizens participate in the constitutional process, it would have provided for an ongoing constitutional process, and we would like to see it commit itself to doing so in the future. As it is, we can at very best try to guess what type of position the government is likely to take once the hearings are concluded. If past performance provides a reliable guide, we believe that the position will not be one with which the Council of Canadians will agree.

In keeping with our organization's objectives the Calgary chapter of the Council of Canadians believes Canada's integrity as a sovereign nation can best be achieved by having a strong central government. Although we share with many other Canadians a profound dissatisfaction with many policies developed by the federal government, we are not convinced that our provincial governments will necessarily do a better job. Without radical reform to our system, which we believe may not be possible in the time constraints that are facing us between now and 1992, we believe there needs to be a continued series of checks and balances provided by the distribution of powers that are currently in place.

We do not believe that in the current world of rapid transportation and communications Canadians need to have more regional identification. In fact, we believe we have more in common with one another now than we have ever had in the past. Furthermore, the high mobility of our population would suggest that Canadians are becoming less attached to specific regional interests. Relationships between Canadians across the country have been formulated within and without the constitutional provisions of the Charter of Rights and Freedoms. We believe that the guarantee of mobility included in the Charter of Rights and Freedoms will contribute to that as well and will ensure that the level of this mobility will continue to increase.

We would note in this regard that as one of the provinces that has been a net receiver of migrants from other provinces, Alberta has a particular interest in ensuring that the standards of education and manpower training remain high and uniform across the country. We might wish you to consider the fact that when we complain about the level of contribution Alberta makes to the national equalization schemes, we may well profit indirectly from those schemes.

MR. HAWKESWORTH: Could we have a copy of your presentation?

DR. TAYLOR-BROWNE: I'll bring you a copy of my presentation this afternoon. I'm also presenting something on my position in my own right.

MS BETKOWSKI: Firstly, on the process, we don't rule out the possibility of more hearings, and 1992 is not a deadline that we've imposed. I think part of what we've heard here is: this is urgent; this is not urgent. But the process is going on, and we're certainly looking at how we might improve that process. So I don't want to rule that out, in terms of your comments.

When you spoke of the objectives of the Council of Canadians, you used language like "distinct identities" and "sovereignty." I was struck by the words, because one of the things we're hearing is that some of those words have a very different impact on people, especially the word "distinct" if we simply harken back to Meech. Yet you talk about people being less attached to specific regional interests. I'm just trying to understand the link between those two points of view.

DR. TAYLOR-BROWNE: The current position that the national council of the Council of Canadians is taking has been to use outreach through individual organizations that have interests that span national boundaries and even international boundaries. We believe that in doing so, we have been able to reach and we are being able to reach people in Quebec who share with us some of the same problems that are found anywhere in the country. Consequently, we do not believe that emphasizing regional differences, emphasizing of provincial integrity is necessarily going to solve the problems, that it is an alienating process for many Canadians.

MS BETKOWSKI: So if I can just understand, the distinctness of which you talk is not geographic. Or the sovereignty is not geographic; it's more in terms of interests and issues of individuals.

DR. TAYLOR-BROWNE: We believe that's the case.

MS BETKOWSKI: Thank you.

MR. DAY: I really appreciate your concerns with the process, so I want to ask honestly and sincerely, first, to give you some background and then say "What more can we do to improve?" Because with the whole Meech Lake situation we are very concerned about the participatory democracy aspect of this and want to make sure all Albertans have input.

The first phase of the hearings, as you already indicated, was advertised. Turnouts were low. It was televised. I don't know how many watched it when you have other exciting things to watch. The response to this brochure that's gone out has been in the thousands in terms of people phoning in, and already there've been hundreds of submissions come in. As individual MLAs, of which there are 83, most of us have questionnaires in our own constituencies more or less based on some of these questions. An average response should put it somewhere in the 50,000 range around the province coming in on those.

So I'm asking in all sincerity: please tell me what more we could do to improve the process.

DR. TAYLOR-BROWNE: The main misgiving we have is that the document you have provided is extremely general. It does not provide any direction. Consequently, anybody who is not an expert on some of these points of view will be voicing opinions that are reasonably uninformed. We have attempted to gather enough information amongst our own membership to be able to disseminate information, but this is not something that is easily done by a volunteer organization with limited funds.

MR. DAY: Do you feel, then, that we were too conservative, if I can use that word? In putting out the brochure, we didn't want to ever be accused of leading people, so we made it general. Were we too conservative?

DR. TAYLOR-BROWNE: Not necessarily, but I think the document in and of itself, without the support of forums where people could go and be exposed to experts in these areas – that they are articulating positions that may be prejudiced and may not have any foundation and any real knowledge.

MR. DAY: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much.

Our next presenter is Clive Mallory of the Riverside Exchange, which I understand is a Liberal Party policy-making group.

MR. DAY: They're not leaving you, are they?

MS BETKOWSKI: The only Liberal on the committee is leaving.

MR. MALLORY: They all know what I'm saying.

MR. DEPUTY CHAIRMAN: Welcome.

MR. MALLORY: Thank you. Would you like me to read or introduce myself or what?

MR. DEPUTY CHAIRMAN: Well, the forum is yours, Clive.

MR. MALLORY: Okay. I've been a Liberal for the last innumerable years. I am an antipoverty advocate in this city. I facilitate the Calgary poverty focus group, and I'm on the executive committee of the National Anti-Poverty Organization. Some people say that my political persuasion should be further to the left, but for historic, philosophic, and pragmatic reasons it continues to be Liberal.

On behalf of the Riverside Exchange I would like to thank you for this opportunity to make this submission to the Alberta select committee on constitutional reform. The Riverside Exchange is an informal policy development group of Calgary Liberals. We meet regularly and provide input to the Alberta Liberal Party and the Liberal Party of Canada on policy matters affecting Alberta.

One, we believe that no government in Canada presently has a mandate to alter the Constitution. The results of the constitutional reform attempts of the last few years have clearly indicated how disaffected many Canadians were with the process of Constitution building, a process that excluded the public. All Canadians should be afforded the opportunity to choose their view of Canada. Be it in a general election or through a more direct vote, let the people decide.

10:40

Two, we believe that an overly decentralized system of government is unstable and ill serves the people of Canada. The tests of history and common sense have shown the dangers of balkanization. Some of the constitutionally decentralizing proposals that have been recently forthcoming would result in a Canada that would be a fraud on its citizenry. Canada would become a country without the attributes of a nation. We would have a country without a national government capable of governing. We cannot be a country unless we behave as a country.

Three, in order to maintain a Canadian integrity and sovereignty, we must have a strong but representative national government. In order for the national government to be strong, it must have adequate jurisdictional capabilities in the areas of national defence, the environment, and the economy. The national government must be truly representative, more so than the present central government, in order that its strength in these areas of jurisdiction is utilized for the whole country, not simply for vested interests or powerful elites.

Four, the only way to resolve our current debt and deficit situations is through a central government that has the economic tools to effect change. To its existing jurisdiction over the fiscal and monetary policy the national government must add a rationalized if not increased jurisdiction over interprovincial trade and commerce in both goods and services. Many of the existing nontariff barriers to interprovincial trade are plainly and simply detrimental to the interests of all Canadians.

Five, the only way to meet the challenge of creativity in business, the challenge of efficiency of administration and planning for the future in health care, education, and social services, and the challenge of sustaining our environment is by way of a strong central government.

Six, Canada was created with the historical promise to protect the French language and culture. We must honour that promise because it was a promise made to individual Canadians and because it was a promise affecting their rights. It was not a promise made to any government, and we must honour that promise without sacrificing our viability as a nation. Bilingualism in practice has its flaws, but bilingualism as a national policy is honourable, equitable, and workable. Let those who argue otherwise prove their case with facts, not platitudes.

Seven, it is folly to make radical changes to the Constitution without radical reasons for doing so. While the Canadian Constitution is in need of revision, we as Canadians are excessively naive in recognizing our accomplishments and our achievements. We must better understand ourselves and our institutions before we discard either. We should not do away with the current constitutional arrangements for the sake of constitutional wording that is imprecise and designed to obfuscate and paper over the very real differences among Canadians.

Vive le Canada.

MR. DEPUTY CHAIRMAN: Thank you.

Mr. Day.

MR. DAY: Thanks, Mr. Chairman, and thank you, Clive. Your comments about the only way to reduce debt would be to have a strong central government: as we saw, the debt really hit the spiral in 1969 under Mr. Trudeau's reign. It can be argued that it hasn't significantly dissipated under Mr. Mulroney's reign. The criticism that we hear is that those particular reigns were very strong; as a matter of fact, an order in council type of directive, strong executive federalism. So are you saying that even though we had a massive debt increase, the problem then was that the central government wasn't strong enough, didn't have enough power?

MR. MALLORY: Well, I think it's a question of perspective. We tend to view people in this country as an expense item, whether it's on a corporate balance sheet or in a social program, rather than as an asset and an investment. We look at spending money on corporate structures in this country as an investment, but we tend to penalize people who need to be invested in. I think we need to have a real turnaround in how we look at those things. There needs to be a better look at how these programs can be more balanced in their financing. One of the things that has happened, for example, over the years since unemployment insurance was implemented: the Diefenbaker regime extended the groups that would receive benefits from the unemployment insurance fund but did not at the same time adjust how these payouts were to be balanced off by premiums and so on. It's been a downhill obligation since then.

From the perspective of national standards and a variety of other reasons, these types of programs should be there and have a proper financial structure built into them. With the fact that there are disparities in the economy in the country, a strong central government can more directly handle the disparities in the financing of these programs.

MR. DAY: Stronger than we've had, you mean? I'm trying to get a grasp on your suggestions of what we need to make stronger in the federal government, given the fact that the debt increased rather reduced. What particular areas?

MR. MALLORY: As I say, the way in which we look at these programs and set up the financing for them has to be changed. When people are taking away from the federal government, they want to see various aspects decentralized. That on balance destabilizes – that's the word I'm looking for – very much the power of the central government to maintain a standard and to invoke adequate revenue standards for these programs.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. Many of the presenters that we've heard from thus far have expressed to varying degree some support for the concept of aboriginal self-government and in some cases constitutional enshrinement of it. I'm wondering, firstly, whether you have a view on aboriginal self-government: what does it mean? If so, do you feel that there is a need for a constitutional enshrinement of it?

MR. MALLORY: I have great empathy and sympathy for the aboriginal situation in this country. One of the problems, as you point out, is an actual definition of what self-government and empowerment mean. I think that they do need some protection, some guarantees at the beginning. As I mentioned in my presentation, there were certain guarantees made to the Francophone population of this country. It is recognized in certain aspects of our present Constitution as it stands, and there needs to be a similar provision in any updated Constitution, as I see it.

MR. ANDERSON: Clive, you've hit dead-on the question of a centralized, stronger federal government versus others, probably more so than others who've discussed the issue over the last couple of days. So I guess this is an appropriate place to see how you feel about the differences in that philosophy.

An argument can be made that today, unlike a hundred years ago, we are a nation with evolving economies to meet the different needs of people in different parts of the country. We are a people who've evolved social systems in different parts of the country by constitutional authority that are different than in other parts of the country, and at the speed that the world is moving, it requires in fact increasing ability to have sensitivity to those changes at the level that's closest to the people. You would seem to be on the opposite side of that philosophy. I'm wondering how you'd answer to such things as the effect of the national energy program out of Ottawa on Alberta and the fact that we went downhill during that period. During this period, when the rest of the country is being perhaps curtailed by some of the national directions, from the GST on through to the interest rates – although that's improving – our ability to operate locally and to tailor our government directions for that has allowed us some buoyancy in this province which doesn't exist elsewhere. Is the centralization that you're talking about – the control in economy, environment, social services, health, education – going against the current trends of needing to meet those rapid changes in the area that's closest to people?

10:50

MR. MALLORY: Well, I think it's a danger in any sort of change we're going through to look at things in terms of polarized absolutes. My area is more in the area of social programs. Kenneth Dye in his last report talked about the Canada assistance plan, for example, and one of the problems with that is that there were not particular outcomes that were looked to. What are we as a nation doing? Are we looking at band-aids to look at immediate social situations or industrial policy or whatever, to favour a particular circumstance or group of people? I think there has to be more coming together and looking at what we want to achieve.

Unfortunately, needs assessment, to use another social term – every group has their own needs. Politicians have their needs to be re-elected every four years. Corporate structures need to meet the next balance sheet. I think we have to look down the road and say, "Where do we want to be 20 years from now? What adjustment programs do we have to build in?" and that sort of thing. How are tax initiatives today – whether we just throw them out, lay on stuff to solve a current recession, if you will – going to lead into where we want to be 20 years from now? I think that's the basic problem that we have in this country: we're not taking enough of an extended horizon view of all of these things. Also, the mutual impact: how does industrial policy impact on social policy and vice versa? That probably doesn't answer your question, but to me, in looking at a broader view, we have to do that.

MR. ANDERSON: No question that they're all inexorably intertwined. The question that we face now, one of the great questions, I think, in this discussion, is: do we want a vehicle of government which allows for the broadest possible variations in different parts of the country so they can meet the various needs, or do we need the strong central government to try and make all adhere to a general direction? The latter perspective I haven't been convinced is in keeping with the rapid changes we need. I believe in the early days of Canada it was.

MR. MALLORY: Well, it's neither one nor the other, because each region has particular circumstances, as you indicate, but there are certain basic needs for sustainable development and the maintenance of human dignity and that sort of thing which are basic across the country regardless of where you are. Now, there are different aspects of that, as to what emphasis would be put on it and so on, so there has to be provision between people of goodwill. I'm not sure that provincial politicians and federal politicians always come together with goodwill, because they're trying to say that they are doing the best for their constituents in each case. I think we have to try and get over that and say, "All right; we have certain common needs in this country, but in X region or Y region there are these things which make it more difficult to achieve," or whatever. We have to have mechanisms for those kinds of input. As I say again, it's not a question of one or the other. We have to come to a consensus on these issues, much more so than we have in the past.

MR. HAWKESWORTH: I'm just wondering, Clive. I appreciate your presentation this morning. The Quebec Liberal government seems to be indicating that those areas of jurisdiction that are identified in the Constitution as provincial jurisdiction should be vacated by the federal government and areas of shared jurisdiction should be vacated as well. I don't know, if it ever comes down to negotiations, whether that will be the bottom line or not. Given sort of your point of view here about strengthening the role of the federal government, what, if any, do you see being the nature of an offer that might be made to Quebec as far as constitutional renewal is concerned? Given their stated point of view, where do you see us heading with negotiations between French and English Canada?

MR. MALLORY: Well, I am a Quebecker. I was on the front lines of the referendum in 1980. I think that one of the difficult problems in this country is that we see it either your way or my way or no way or whatever and both – I hate to use the term "both sides," but that's the way it comes out sometimes – tend to look at things that way. We use semantics and so on, and there are subtleties in translation and so on which make things more difficult. We also have the political realities involved, with different groups vying for ascendancy and that sort of thing.

As far as the recognition of local needs, I think it's a question of style, how these things are presented. I think there are certain basic standards that can be required and also leave considerable latitude for regional differences. One of the tragic things in this country, I think, is the lack of understanding of Canada in the last 350 or 400 years that it's existed. When I grew up and went to school in Quebec, the history of Canada that we learned was minimal enough, but my French peers were learning history, and we could have been learning the history of two different planets. I think we have to be very concerned about that, because both solitudes have a very different view of what this country is all about and what nation building is all about. I think that's one of the things that we have to deal with alongside of trying to come to terms with what regional differences there are in this country and attitudes.

That doesn't answer your question, Bob. I know that.

MR. HAWKESWORTH: That's fair enough. I share some sympathies with your presentation here. What I think we're grappling with is: what's that next step? How do we reconcile those two differences, or are they so deep and so different that they are irreconcilable at this point? I don't know. I'm just wondering if you can give us some thoughts about how we bridge those two solitudes in the new Confederation.

MR. MALLORY: The differences in many situations are in many cases political rather than real, if I may be crude about it. I think the trends of people who are Quebec-watchers would say that the issue of sovereignty and separateness is declining and that the basic issues of economic viability and so on are in the ascendancy there. There is no question that the current structure cannot stand the way it is and the way it's interpreted. We have to first of all agree with each other as to what, in fact, each other is saying, because I think this is a barrier too. Sometimes it's a dialogue of the deaf.

11:00

MR. DEPUTY CHAIRMAN: Sheldon?

MR. CHUMIR: That's fine.

MR. DEPUTY CHAIRMAN: Pass?

Well, thank you very much, Clive.

The next presenter is Bill Stuart of the United Mine Workers. It's nice to have you with us, Bill.

MR. STUART: He's not going to question me, is he?

MR. DEPUTY CHAIRMAN: You know how to handle him.

MR. STUART: I wrote a very hasty report yesterday, and it's not worded quite the way that I would like. I know you're short of time, so I'm just going to highlight it anyway, and I'll give you a copy of it.

In 1987 during the Meech Lake negotiations – and since then but especially in 1987 – I made a much similar submission to the Official Opposition's hearings, and I've written other submissions to other hearings. What I've heard since from many people who made submissions to those hearings is that they'd had hearings, but they didn't listen, so I hope that this round of hearings will be a little bit different. Politics is like economics: it shifts back and forth like a pendulum. Since 1980 it seems that all politicians from all political persuasions and all levels of government are attempting to grab the constitutional pendulum and stop it where it will most suit their own benefit or their own purpose.

As I said, I'm going to highlight this, so if you're trying to follow, you're not going to be able to.

Canada is one country made up of many acceptable minorities, diverse regions, 10 provinces, two territories, 295 federal ridings. It's not just 10 provinces. It's not just a federal government. More than anything else, it's one Canada, and I think we have to remember that.

For my submission there are four areas that I would like to touch on: one, determining who the minorities are and what special status or privileges they should be granted; structure, involving patronage and political appointments; the amending formula; and who's in, who's out, and who decides.

First of all, on the minorities. I think for the purpose of this constitutional debate the term "minority" must be defined as any group who because of its natural or distinct difference from the rest would be precluded from mounting a successful political campaign to protect its existence from the majority. Canada must then determine what minorities are acceptable for that consideration. For that reason, I will not address women's issues, women's rights, trade union rights, the environment, or economic or national objectives. They should be dealt with through the political debate and determined by the elected representatives who are subject to that debate.

The Constitution should be designed to incorporate the accepted minority factions to bring them under the shelter of the constitutional umbrella and to allow for the differences of those minorities that are acceptable to the majority to exist within that framework. What I'm saying is that we're finding that everybody wants to operate outside of the Constitution instead of finding ways to allow the minorities to work within it. I think that's important. There must be a vision by the political establishment throughout Canada at all levels to see Canada as one.

On the structure, I'm just going to go right to the resolutions quickly. For my money I think the Senate should be abolished. It's not a democratic institution. A triple E Senate would not be any more democratic. In fact, it would be less. To me a democracy is based on the constituents, the numbers of people, and if in Alberta we happen to fall short on the numbers, we don't have the right to direct the majority. Having said that, I think the Senate, the triple E or as it is today, would be absolutely useless. If it must be and it is appointed, then I would suggest that article 25 of the Constitution should be amended to read:

Be it resolved that Article 25(2) include the following addition:

Such submissions must be made to the Queen's Privy Council for Canada and be made public knowledge at least 180 days prior to acceptance by the Queen's Privy Council for Canada. Names submitted by a province may be withdrawn or reconsidered during that 180 day period.

What I'm saying is that what Turner did after his defeat in 1984 was a disgrace. Under this idea he would have 180 days. He could have made nominations, and the incoming government could have reviewed those to find out if that's really what this country wanted to do. In the same case, Mulroney's appointments for the GST would have taken 180 days of consideration before they could have been made.

Supreme Court appointments. I really have a problem with the Constitution as it appoints Supreme Court justices. They must be members of the Bar Association. I wish my union was as strong as the lawyers' union. If it were, the United Mine Workers would appoint the mine inspectors. The Cattlemen's Association could appoint the meat inspectors. There is no electoral body that actually governs what that organization does and what the court system does. If a politician does attempt to bring the views of his constituents to a judge, then he's asked to resign because he did it. There must some control, some mechanism for the electorate to oversee what the court system and the Bar Association are doing if they have that power.

I suggest there be a lay committee appointed by Members of Parliament to hear grievances of the legal system. In the same vein I propose the same resolution of a 180-day appointment period for judges as well as Senators to allow for reconsideration after elections.

The important part of what I want to talk to you about is the amending formula. The question of patronage, the power of a politically appointed Senate, aboriginal rights, equal rights, and territorial rights to provincial status are all very important concerns in the creation of the Constitution of Canada; however, none alone nor all combined can match the necessity of a properly conceived amending formula. Any future desire for change will certainly meet with some degree of opposition. If it did not, then there would be no need or desire for change.

If the citizens of Canada have no method to change their Constitution or if the rules that are supposed to allow for change are so stringent that change is made impossible, then those who desire change shall have no alternative but armed struggle. If one province has the right to veto the aspirations of the rest of the country, then there are no democratic rights or freedoms in this land. The Constitution must not be viewed today for its effect on today's society, but it must be viewed for its effects on the generations of tomorrow, for any Constitution may be perfect in its creation or may be flawed to the point of being useless, but to stand the test of time it must allow for orderly change that such time will demand. It cannot be perfected if it cannot be changed. When a Prime Minister's weak-kneed capitulation to the provinces on decentralization of power is proven to be disastrous for future Canadians, how will they correct the mistake?

11:10

The amending formula must be changed, and I urge you to demand the following resolution to section 41:

Be it resolved that section 41 include the following addition:

When unanimous consent is denied by three or less of the provinces, by the House of Commons or by the Senate, then the issue shall be determined by a referendum ballot of Canadian voters requiring a two-thirds majority to succeed. Such referendum shall be held in any year ending in a "0" (i.e. 1990, 2000, 2020, etc).

This is not to say that constitutional change should be easy; it should not. In fact, it should be quite difficult and politically exhausting, but it must be possible. Where unanimity is not possible, then ordinary Canadians must be consulted by referendum ballot. I've said that since 1987 when this first came out, and I say it now. I think what Canadians are saying more and more all the time is that it's our Constitution; it belongs to us; we must be consulted.

In conclusion, it is apparent that the most pressing issue regarding the Constitution is who it will cover. Will Quebec remain in Canada? Are Alberta and other predominantly English-speaking provinces prepared to recognize Quebec as an accepted minority with distinct status? Who wants in? Who wants out?

Canada is made up of 295 federal ridings. If there are any referendum ballots to decide participation – who's in and who's out – it should be federal riding by federal riding and a conducted nationwide vote by the federal government. Any riding wanting out should be declared a foreign country immediately, and it should only be allowed to return if accepted by constitutional amendment. I think we're being blackmailed to say: we're going to get out of this country. I speak as a strong supporter of Quebec being in this country, but I do not support each region of this country at any time they choose taking a referendum ballot and saying that we're going to get out if you don't do it our way. I do believe there must be a referendum before there are any more constitutional talks, riding by riding, and say who wants into this country and who wants out. Then for those who want to stay, let's write a Constitution for us.

Thank you.

MR. DEPUTY CHAIRMAN: Mr. Chivers.

MR. CHIVERS: I promise not to cross-examine you. Bill, the first point you addressed was the issue with respect to minorities in Canada. Of course, the vehicle that presently exists for protection and preservation of minority rights and equality rights is the Charter of Rights and Freedoms. I'm just interested in knowing whether you think we need the rights and freedoms that are guaranteed in the Charter at the present time to be augmented to provide further protections for minority rights.

MR. STUART: Yes. I think the rights and freedoms is probably – if we had a Constitution that worked, it would be the second most important document in our country. Augmented in what way? Strengthen?

MR. CHIVERS: That was the next question that I was going to ask you. In what way would they be?

MR. STUART: We're talking about minority rights. Let me talk about native rights for a minute. When I was a young fellow, I had to go to school, and if I didn't, my parents would be charged with truancy. I grew up very close to the natives in the Morley and Eden Valley areas, and it always surprised me that they didn't have to go to school. As I grew up, I realized they didn't have the right to go to school because nobody said they had to. Now, I think the native children in this country must have a right to attend school, and therefore there must be some rule saying that they must. Rights and freedoms, yes. We need them, but then we must enforce them too.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: With reference in your paper, Bill, to the suggestion that decentralization of powers would be proven to be disastrous for the country or for future Canadians, I'd appreciate if you could give us your views as to the role of the federal government in things like medicare, social programs, education.

MR. STUART: Well, I think the power of the provinces, if I can say first of all, is overblown. You could take Alberta and cut it in half and give half to Saskatchewan and half to B.C., and I'd still be a Canadian. It wouldn't matter that much to me. You know, to be an Albertan – I've lived in all three provinces. It doesn't matter that much to me. I'm a Canadian first, and I think most people probably in this room are. That's why they're here.

I think the central government must have the authority to make those decisions and grant certain powers to the provinces. I don't think the provinces have any God-given right to say, "That's our jurisdiction." It's not, not if we're Canadians first. For the sake of making things work better for certain regions, then certain powers must be delegated to those provinces but not simply because they're provinces. You know, you could split Alberta into four provinces, and it wouldn't make a hell of a lot of difference as long as we have that strong central system.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill.
Barbara Baxter, please.

MRS. BAXTER: Good morning, lady and gentlemen. Thank you very much for this opportunity to participate in the political process. I speak to you as a Canadian mother. In my view no one has a greater vested interest in the future of this country than a mother does. I also feel my views represent those of many Canadians and often the majority. Polls are good for something, and I've deduced this from the polls.

I wish to elaborate on the nine points in my outline. Canada has not been seen as a wimp or a yes-man in the eyes of the world, at least until recently. That trading blocs appear to be forming on the world stage at this point in time is no reason for us to lose our sovereignty or hand over economic control to non-Canadians. In fact, the economic hardball predicted is a reason for promoting a strong central government, not a community of shopping centres. The rise of monopolies and multinationals can only be viewed with alarm by those who believe in freedom and democracy and who realize that freedom and democracy depend on a balance of power within a country overseen by a Parliament representing all of the peoples of that country.

The integrity and strength of a central government will not only be important in resisting the economic power wielded by legitimate megabusiness, but it may in future be extremely important in resisting what appears to be the increasing power and increasing political activity of international drug lords. Drug lords are like AIDS. Their potential impact on society is devastating, yet we prefer to ignore their threat because, I suppose, life is less stressful that way. So I speak in favour of a strong central government. As I mentioned in my point number one, I take issue with the title Alberta in a New Canada because it seems to me that the "new" suggested is a decentralized Canada. It is no secret that Mr. Mulroney favours a decentralized government, nor is it any secret that Alberta has historically sought increased provincial powers.

Point two, the present federal government is probably the most unpopular in our history and is certainly the most unpopular in Canadian history since polling began. It is not fitting that such a government guide Canada toward a new definition of Canada and being Canadian because it obviously doesn't know what Canada and being Canadian means to the majority of Canadians.

The Mulroney agenda has been a very destructive one for Canada. To begin with, Mr. Mulroney came to power with the aid of the Parti Québécois. Then Lucien Bouchard, a known separatist, was sent to France as ambassador for this country, for Canada. On his return he was encouraged to enter federal politics and was subsequently given a cabinet position, as were other separatists in federalist clothing. All this was when it was common knowledge that the separatists had decided, following their 1980 referendum failure, to enter federal politics in order to further pursue their separatist ambitions. One would then expect separatists to have a strong voice in the Mulroney agenda, and if we look at the Mulroney agenda, it certainly is compatible with the interests of separatists. The free trade agreement is a prime example.

At one time Mr. Mulroney said a free trade agreement would be bad for Canada, but someone changed his mind. If we look at what separatists want more than anything else from Canada in the event of separation, it is guaranteed trade. What better way to encourage postseparation trade than a pre-existing free trade agreement with the United States.

Let us examine briefly what free trade has done for Canada. In 1987, before the agreement, there were 487,000 jobs created. In 1988, 316,000. In the first year of the free trade agreement, there were only 159,000 jobs created, and in the subsequent year, 1990, there were 130,000 jobs lost. In 1991, 151,000 jobs have been lost in January and February alone. It is interesting to note that between 1978 and '85, Canadian-controlled companies created 876,000 jobs in Canada while American-owned companies created 1,400 yet earned over one-third of Canadian corporate profits. If we look at GDP, it grew 4 percent in '87, 4.4 in '88, 3 percent in '89, less than 1 percent in 1990, and in 1991 it's expected to decrease by greater than 1 percent.

11:30

Looking at the energy section of the free trade agreement, it's well known that our commitment to supply the U.S. with our oil and gas is based on the previous 36 months' supply we give to them. What is less well known is that the ratio of light to heavy oil is also a commitment: we must maintain that ratio, and also we must supply this oil and gas at international market rates set by OPEC, not set by our production costs. Both these factors mean that we may be supplying oil to the U.S. at a loss in future. Furthermore, there is the issue of coal gas. At present the U.S. requirements are about 17 trillion cubic feet of gas per year, of which we supply three trillion and the U.S. supplies one trillion from their coal gas reserves. But coal gas is relatively ubiquitous, and at any point in the future they could really supply almost their entire requirement themselves. The free trade agreement does not guarantee they will purchase our oil and gas; it only guarantees that we will provide it. I fail to see how anyone can call this level.

Other destructive policies are the destruction of the Foreign Investment Review Agency and replacing it with Investment Canada, which, according to research done by Mr. Hurtig, encourages foreign ownership and has agents around the world soliciting the sellout of Canadian-owned businesses. From 1985 to 1990 greater than $80 billion worth of foreign takeovers occurred in Canada. Foreign investments of over $88 billion were done with only $14 billion of funds from outside of Canada. The rest of the moneys were provided from inside of Canada for foreign takeovers.

Also destructive to Canada have been the high fiscal policy of high interest rates and the high dollar, felt by many to be part of the free trade agreement. Letting the dollar ride to its true value of between 60 cents and 70 cents could solve the Alberta deficit, could solve unemployment, and could possibly double revenues in the oil and gas industry.

Destructive again has been the curtailing of the regional voice of the CBC, and then quietly last June, during the Meech mess, the elimination of national unity as a mandate of the CBC was a further insult to Canada.

Then there has been the emergency measures Act, passed to replace the War Measures Act a few years ago, and under it a province that calls in the Canadian military is then the final authority for the Canadian military. So now we have the prospect of Mr. Parizeau calling in the Canadian military and being its final authority. How could any government dedicated to Canada have such destructive legislation?

In this strange world it is often said that anything can happen. If so, one day we could have a traitor as Prime Minister. Under today's Constitution we could do nothing to impeach him. Canadians should have the right and the means to impeach their Prime Minister. This should be part of the Constitution. Take note that many submissions to the Spicer commission call for the impeachment of Mr. Mulroney.

Point three, the present federal government has demonstrated the belief that a government once in power is no longer accountable to the people. One would hope, however, that even this government would draw the line at the Constitution. However, it's become obvious that the Mulroney government is preparing a decentralized formula for a new Canada and may well inflict this drastically different vision of Canada on Canadians without a mandate from the electorate. This is the greatest betrayal of trust a democratic government could contemplate. Mr. Mulroney has now let us know, to some extent, what his new plan is, and I'd like to point out that he still holds all the cards.

If Canada is to be a country in future, it must have power within its own borders. Today, as so often before, money is power. To function as a country, for there to be a continuing Canadian identity, national values felt by Canadians from sea to sea must be expressed in financial powers as well as in the ability to set national standards in economics, education, including R and D, the environment, and medical care. In economic policy we need a strong, patriotic central government to promote Canadian, not foreign, ownership, that will facilitate trade and development, and will show creativity in relating to business and labour.

In education Canada is one of the few western countries that does not have national high school exams. If we are to move forward and rise to future challenges, we must equip our young people with knowledge, and we must promote creativity and problem-solving. Instead of withdrawing from education, as our present federal government is doing by cutting $3.8 billion from education over the next five years, we need a strong federal direction in education and national standards and national exams to make evaluation possible. We need an independent body between federal government and postsecondary institutions that is responsible for dividing federal funds among the provinces' postsecondary institutions. Provinces in the past have not been accountable for funds received from the federal government for education.

In the area of the environment national standards and national powers are necessary to provide the environmental protection desired by Canadians. At the Supreme Court federal hearings on the Oldman dam on February 19 one lone volunteer lawyer represented the views of thousands and thousands and thousands of Albertans. He was faced by this provincial government flanked by the representatives of seven other provincial governments. The attitudes of provincial governments on the environment are unacceptable to Canadians, and we need a strong central authority with power on environmental issues.

Medical care, our dearest social program to many Canadians, is one of the best and most cost-effective in the world. It is the envy of many in the United States, and the concept that the same excellent health care for the rich and poor exists in Canada is what being Canadian is all about.

Number four, a nation is more than a marketplace; it is a group of peoples who share common values, ideals, and aspirations, both individual and national. It's a family of peoples. If this nation does not retain strong central powers, it cannot maintain its integrity as an independent country, the power for self-determination will be lost, and from sea to sea we'll be forced to follow the agenda of non-Canadians.

Six, a Constitution based on the self-interests of member provinces cannot serve the interests of Canada as a whole. The provincial Premiers should not be the key players in determining power shifts in a new Constitution, because their interests are provincial. They are individuals who chose provincial, not federal, politics. They were elected not to represent the interests of Canada but of their province. With Mr. Mulroney functioning, in Mr. Kilgour's words, as the associate Prime Minister of Quebec, Canada has been left undefended.

It is my personal view that the present popularity of the constituent assembly proposal lies in the fact that it would appear to remove power for change from the hands of the Mulroney government. If Canadians had confidence in their elected representatives, I suggest that the expense of a constituent assembly could be avoided. The way to develop this confidence would be to eliminate rigid party discipline, thus promoting real representative government. And, of course, call an election.

Under Mr. Mulroney's new plan, as I said before, he still holds all the cards, and it looks as though we will have another Meech in March. Several years ago Mr. Mulroney spoke of his vision of a nation without elaborating. It is now obvious that his vision is the disembowelled and castrated Canada Eugene Forsey spoke of when asked what would happen to Canada had Meech Lake gone through.

Point eight, a new Constitution should include provision for a province to leave Canada. It should not be easy, however, and I propose that three consecutive "yes" referenda spanning a period of 10 years be required in order for a province to separate. Terms of separation would include a transportation corridor free of any form of taxation, direct or indirect, in perpetuity.

Nine, sovereignty association is not acceptable; confederal states are unstable. Asymmetrical federalism, with limited extra powers for Quebec in the areas of law, language, and education, is the only viable option. Senate reform is necessary: elected, effective, and equal by region or province.

11:30

In conclusion, I feel it is time to reach out to the people of Quebec, but it is time especially to get tough with Quebec politicians. Mr. Parizeau wants Quebec to have its own laws, taxes, and treaties but to have the benefit of guaranteed trade and the use of Canadian currency. Others mentioned cooperation on the military. This seems rather pointless, as under the Mulroney agenda orchestrated by Mr. Masse there will be virtually nothing left of the Canadian military. But it is time to say no and time to get tough, and the best way to get tough is to abrogate the free trade agreement. Not only would this make separation more painful and threatening to Quebec, but it would also enable our children to be maîtres chez eux. That is what I want for Canadian children: that they be masters in their own house, not subservient to some foreign power or multinational. That is why I'm here today stating my case for a strong central government.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Barbara, I'm wondering if you'd share with us your views on bilingualism.

MRS. BAXTER: I believe in the concept of bilingualism. I think it is a challenge which I enjoy. I'm not bilingual, but I would like to be one day. I see it as opening doors in the global village. I think that perhaps the administration of it could be reviewed.

MR. CHIVERS: Do you think there should be some changes with respect to official languages in Canada at the present time?

MRS. BAXTER: I think changes could be entertained. I don't consider myself an expert. All I can say is that I generally like the policy of bilingualism. I think it's unfortunate that it has caused some distress to some individuals, perhaps particularly in the civil service, but I think it is good for our country, and I think it is good for us, looking at the global village.

MR. CHIVERS: You indicated that you favour asymmetrical federalism. As I understand that concept, it could and would include some sort of special status for Quebec.

MRS. BAXTER: Well, Quebec already has a special status.

MR. CHIVERS: So in that sense you would favour the status quo?

MRS. BAXTER: Perhaps with some minor modifications, but what I favour is a strong central government that will provide some assurances that we will preserve the Quebec language and culture, which I feel we are fortunate to have. I think they're a very rich language and culture, and I feel lucky to have that as part of Canada. But I don't think we can sacrifice Canada to appease the separatists in Quebec.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. Barbara, the struggle that we hear from people who are presenting is reconciling the whole area of a strong federal government vis-à-vis provincial jurisdictions or things that are important to provinces. You mentioned free trade – let's use that as an example – which has been good for Alberta, which the majority, at the time it went in, supported. Manufacturing exports have doubled. We've got the highest participation in the labour force we've ever had: 107,000 jobs created during that time. But whether it's free trade or whatever the issue is, when you have a situation that a particular province strongly wants and, it could be argued, is good for the province, how do you reconcile a strong central government saying no to that when a province wants it?

MRS. BAXTER: Well, I want to dispute a couple of points with you, and that is that free trade is necessarily good for Alberta. If we look to the future and if we look at the requirement under the free trade agreement that we provide the same ratio of light to heavy oil, what happens in future if our light component decreases, as it well may, and we still have to provide to the States that same ratio? We will then be in a losing scenario financially.

MR. DAY: Those are the elements of the debate, Barbara. What I'm asking, though, is: if a province is saying, "We want this," how do we reconcile a strong federal government saying, "You can't have it"? Or if you talk about the national energy program, which devastated the economy of Alberta, you had the province saying, "We don't want that," and the federal government saying . . . How do you reconcile that?

MRS. BAXTER: Let me say this about that. If the national energy program was in place right now, the oil and gas industry in Alberta would be on more stable ground. I'm not saying that the national energy program was good, but I am saying that it did offer some stability and that it did guarantee a certain minimum price. We are seeing more and more layoffs; they're coming at frightening paces in the oil and gas industry. There are those within the oil and gas industry that feel right now that it's being decimated.

MR. DAY: Again, I just want to . . .

MRS. BAXTER: And also the foreign ownership is increasing.

MR. DAY: I just want to refocus. It's not debating the element; it is: what do you do in a situation? How do we reconcile a strong federal government saying to a province that wants a certain aspect, let's say, of trade, social program – whatever it might be, the province wants it, and the federal government is saying, "You can't have it"?

MRS. BAXTER: Well, if an issue is to be decided by Canadians, then it has to be decided by the country as a whole. There'll be some issues that will be decided at a provincial level and some issues that are decided as a federal level.

MR. DAY: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Thank you.

MRS. BAXTER: Thank you.

MR. DEPUTY CHAIRMAN: I invite Norman Conrad. Good morning, and welcome.

MR. CONRAD: She had a delightful submission.

My name is Norman Conrad. I've been asked to speak on some of these issues by the Green Party of Canada. I'm a local environmentalist and quite concerned with a number of issues that arise in this respect. This is also a last-minute preparation, so it will be somewhat incoherent in some respects, but there are a number of points that I feel are germane and that ought to be covered.

Some of the green feeling that we hear of these days is a love of land and a love of people and a love of diversity in land and people. We love wilderness issues; we're concerned about those issues. We're also very concerned about aboriginal issues and issues of plurality in society and respect for other cultures and peoples. We're also concerned about future generations and what there will be for those that follow us. That's been a central theme in green thinking. As well, there are concerns about democratic issues and issues of empowering people in terms of making decisions, and a number of those are germane to the constitutional debate.

Now, the constitutional debate that we're involved with presently arises from a series of unfortunate events, but these are events that have occurred in many respects and in similar form since the history of Canada began. We've heard issues of bilingualism and biculturalism under different names at different times. This is a continuing debate, and it will continue for as long as there is Canada. As opposed to thinking it's entirely a negative phenomenon, I think it's entirely a healthy phenomenon. It's important to get these issues out on the table, and it's important that people focus on them and learn what the other people in Canada are about.

The Meech Lake failure was instructive as well. The Meech Lake failure showed politicians in Canada that the people of Canada are concerned about this debate and that there are important issues that affect people; it is not simply a matter of how the politicians divide up the power pie. So from a constitutional point of view you'll probably be hearing a number of submissions that look back in time, pull out old grievances, talk about wrongdoings of the past. I think it's an appropriate time to think about what can be done constructively for the future, because any Constitution that is crafted in Canada now has future application and not past application. We should dwell on the past only in respect of lessons that can be learned to apply to the future.

Now, one of the issues that is of great concern to a number of people is the democratic bundle of issues. I would urge the commission to recommend that there be attention paid to the issue of freedom of access to information. Democracy does not thrive in ignorance. An electorate that does not have full and complete disclosure of all the relevant acts and deeds of government is an electorate that is not capable or competent to cast an appropriate vote at election time. I think that a fellow traveler of democratic rights must be the right to freedom of information, and that's got to be underscored as a central right in our constitutional discussions.

The issue of how governments are elected must be addressed and thought about in this debate as well. The simple majority concept has some very negative ramifications long term. We have seen in a number of elections, and particularly now that we're in a multiparty system, where something in the order of 40 percent of the population can elect a hundred percent, at least theoretically, of the representatives to government, and effectively that silences in many respects the other 60 percent. It may be a good idea to consider moving to a more representative system, a proportionate system or something like that. Those are thoughts that I would urge you consider and listen closely to in the submissions you hear.

11:40

There is concern as well about how the party system is working. Many Canadians feel that it is not working adequately, that it's a negative manifestation of an aged kind of governing form, that it's adversarial, that it tends to be negative, that it creates good guys and bad guys but not particularly intelligent examination of issues and constructive contribution to new and better policies. It does not create win-win situations. It creates at best win-lose situations, and more frequently lose-lose situations.

There's a feeling that politicians have a moment of accountability and years of nonaccountability. Once they're elected, they go off and do their thing for quite a number of years. There's been talk of plebiscites and those kinds of things. One of the things to think about is perhaps a right of recall so that particularly egregious acts of politicians can be atoned for in the polling booth, thereby making them more accountable in that respect.

There's also a lot of talk in environment circles about the malady of four- or five-year elections. What that does is create a short-term planning horizon for government. Governments think: I have to deliver the goodies within this particular time frame, and I will close my eyes to all subsequent events. We live in times where we're very concerned about the future, and as we look out beyond the four- or five-year horizon, we see very menacing things. There must be some means of developing a decision-making function that looks long term, not short term. It may be an idea to emulate in some respects some of the American model where you have staggered elections, for instance; something to consider.

It has been said a number of times in the prelude to the Meech Lake debacle that the Constitution is not a document for the people, it's a document describing how governments have chopped up power between them. There is some legitimacy, in my view, to that concern, and this may provide a great opportunity for us to constitutionally look at appropriate means of distributing power in society. Constitutions crystalize a particular structure for a long period of time. We have seen how difficult it is to amend our very Constitutions. So once we have a Constitution, we're stuck with it in the long term. We should perhaps start thinking about using government more as a circuit board to allocate or broker decision-making functions to appropriate levels or appropriate groups rather than seeking to exercise all the powers itself.

We see in this debate that there is a strong struggle, particularly over environmental and resource issues, between the federal government and the provincial governments. The provincial governments say, "We are competent and capable of handling all these matters," and the federal government says, "No, we are." A lot of these issues are global, and it may be time to think about delegating powers above and beyond the nation state to international or multilateral bodies; it also may be a time to look at getting some of these issues down to the local level, where on certain kinds of issues local impact is the predominant impact: starting to have a spectrum of decision-making levels rather than just two or, arguably with municipalities, three.

There has been a lot of talk about the EIA process and a lot of machinations, I understand, with provincial governments to recover and obtain ascendency in terms of doing environmental impact assessments and making determinations with respect to resource issues. According to my mind-set, my theoretical views, I like the idea of decentralizing those more and more to the provinces, but I, as with many other environmentalists, am extremely concerned that by decentralizing these powers and getting them more into the provinces' hands, there is a tremendous risk. Most of us are extremely unsatisfied with the level and kind of resource and environmental decision-making that has happened provincially – not in Alberta; it's not a partisan thing. It's across the board among the provinces.

There's a concern – whether it comes from our concerns about how decisions are made or whether it's the nature of the beast, I don't know – that provinces are more prone to rape, plunder, and pillage than is the federal government. It may be the supertanker thing. The federal government can see a Canada without an Oldman River dam, but the provincial government cannot. The federal government could say that Al-Pac, in the larger order of things, is not that necessary and the costs are too high, but because of scale within Alberta we may be forced to make those kinds of decisions, and they're not provident decisions.

Several final kinds of comments. We should look at section 7 of the Constitution: the right to life, liberty, and security of the person. Those are areas that are extremely expandable, perhaps not by the courts, but at this point in time we should start to seriously look at enshrining a right to a clean, safe, and secure environment. That should be an attendant right to life and security of the person. I'm not sure what the courts will say if they get an appropriate case on point, but it would be nice to make that clear.

There's also another dimension to it. Canada hopefully will last beyond me and beyond us. I'm sure you'll all live long and prosperous lives, but there is another generation that's coming. It may be that we have an ethical duty to leave as much as good in terms of the quality and quantity of Canada, resources and clean air and water, as that which we got. That's a dimension of constitution-making that should be inspected closely. We have to make sure that we do not rape Canada, that we leave a land that's as strong and beautiful as the Canada that we were born into.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Barrie.

MR. CHIVERS: Yes. Norman, you began by making some comments about access to information, freedom of information, and I'm wondering if what you're proposing is that there should be some constitutional enshrinement of protection for freedom of information Acts as to information.

MR. CONRAD: From several points of view I think it should be in the Constitution in conjunction with section 3, the democratic rights sections. It's critical in order to cast your vote to have good information. A vote cast out of ignorance is not a vote. So I think in terms of those rights, our democratic rights, but as well from the accountability point of view. If we send representatives to make decisions in decision-making bodies, they have to have full and complete disclosure to those people who send them. That's a fundamental part of accountability. I think that concept has been played with fast and loose too long, and I don't think Canadians want to tolerate it anymore.

MR. CHIVERS: Suggestions have also been made last night to this committee and elsewhere that there should be a constitutional enshrinement of rights protecting the environment. What are your views on that suggestion?

MR. CONRAD: Rights protecting the environment. The way I would turn that is . . .

MR. CHIVERS: A charter of environmental rights, so to speak.

MR. CONRAD: Yes. The right to a clean, safe, and secure environment perspectively as well, not just here and now but for the duration of Canada. There are a lot of environmental rights that are talked about that in my view are not, you know, substantive rights. They're a kind of procedural rights. Perhaps they ought not to form part of the Constitution, but there should be substantive rights to a clean, safe, secure environment.

MS BETKOWSKI: Your section 7 was a suggestion of that, wasn't it?

MR. CONRAD: Yes.

MS BETKOWSKI: In other words, that wouldn't be all of the protection.

MR. CONRAD: There would be an addition. That would be an expandable area. I have some doubt that the courts will expand that section as far as I would hope. So why don't we expand it?

11:50

MR. CHIVERS: Finally, Norman, I was interested in . . . Well, I was a bit confused in terms of your suggestion with respect to where the power to protect the environment should propose: provincially or federally or whether it should be a combination of the two. It seems to me that one of the difficulties with leaving that power solely with the province is that you get into a situation where there's competition in terms of jobs and developments and there may well be a tendency for provinces to compete with each other to have the lowest standards in order to attract developments and jobs.

MR. DEPUTY CHAIRMAN: Well, Norman, if you get your expansion of section 7 of the Charter of Rights and if it's not subject to the notwithstanding clause, then you would have that federal paramountcy, wouldn't you?

MR. CONRAD: Not in terms of resource usage, which is another area of concern. I was born in 1947, when they found Leduc. If I live a long and prosperous life, I'll die, and most of the conventional oil reserves in Alberta are going to be exploited; they're going to be gone. We won't be leaving very much fast and easy wealth for our children. We may be leaving some very difficult to obtain wealth hidden beneath the tar sands up north. So in terms of those issues I don't think that the safe, clean environment addresses that. I think those are very important issues for the future as well, and they may need to be addressed in a separate provision that would address sustainability issues. I would urge that. I don't think the will of Canadians is there yet, but I certainly think it's a worthwhile subject to talk about.

Getting back to your concern, at this point in time the concurrent jurisdictions seem to me to be the best alternative. I am not happy and I think most people environmentally concerned are not happy with the idea of exclusive provincial jurisdiction over resource and environmental issues. The dynamic of the marketplace is such that it tends to move things to the lowest common denominator. If there are two jurisdictions that are regulating, there may be some impetus to lift it to a little higher denominator. For those reasons I would suggest that there should be concurrent jurisdiction on all projects or even policies for programs that threaten substantial environmental impact.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Norman, there's a battle going on between forces of decentralization versus maintaining a strong federal government. One view is, for example, that the provincial government should take over total management and standards with respect to medicare and social programs. The other view is that there should be federally mandated minimum standards at the very least. I wonder if you might give us the benefit of your thoughts on that particular issue.

MR. CONRAD: In terms of medicare or . . .

MR. CHUMIR: Medicare or social services. Should we be decentralizing to give exclusive jurisdiction to the provincial governments, or should there be a continuum of a federal role to provide for minimum standards for Canadians across the country?

MR. CONRAD: I find the same argument that I made with Barrie applicable in that situation. Where you have concurrent jurisdictions, there's a tendency to try and maintain higher standards. Where there are not concurrent jurisdictions, where it is in the exclusive jurisdiction of either the province or the federal government – and I think they must play by the same rule – there is a tendency to go to lower standards and trick the people. In terms of those issues I think that concurrency tends to contribute to higher standards, and I don't know that we should rock the boat.

But there is a point in what I'm trying to say about appropriate levels, and with dynamic situations like this we should be taking a look at the appropriate levels for making all decisions constitutionally. There was an effort in 1867 to do it in terms of sections 92 and 93 and that division of power, but the world has changed radically in the last 120-some-odd whatever it is, in the last century. We have now transnational corporations; we have recently free trade; we have globalization of issues. At the same time, we have a whole bunch of dynamics that tend to localization of issues; we have technology and information and mass communication that should be empowering people. So rather than taking a look at it in terms of just two-power focus, we should be looking at the appropriate spread of it across the spectrum.

MR. DEPUTY CHAIRMAN: Thank you very much.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: We have run now almost half an hour over time. We do have a full plate this afternoon, so with the consent of the committee I think we should try to finish up our morning's work before we break for lunch. Agreed?

HON. MEMBERS: Agreed.

MR. DEPUTY CHAIRMAN: Bob McCallum, please. It's nice to have you with us, Bob.

MR. McCALLUM: Mr. Chairman and hon. members and ladies and gentlemen, I'm giving a private submission. It is something that I feel very strongly about inasmuch as I'm giving my opinion and it's an individual's, the way I see it. But I will also point out that I unfortunately have been guilty of – although I'm a born Canadian and have always traveled on a Canadian passport, I've been living in England for the last 18 years.

MR. DEPUTY CHAIRMAN: There's been some osmosis there.

MR. McCALLUM: Yes. I've been subjected to various types of democratic process there as well, and it obviously has filtered into the Canadian processes, because we have developed that way through the centuries of utilizing that process of democracy.

I've basically just looked at questions in the booklet which was handed out. It came in the post, I'm sure. Everybody's familiar with it.

MR. DEPUTY CHAIRMAN: Well, Dr. Taylor-Browne didn't think everybody was. She thought there was some problem with distributing that document.

MR. McCALLUM: No. I think every household received one, as much as they may well receive a lot of junk mail these days.

Firstly, I'd like to just look at the question: as an Albertan, how would I design the Constitution for a new Canada? Okay, if we're looking at the situation of developing a new Canada and changing drastically and the political process changing as well, then firstly I'd like to just comment on that. I don't feel we can honestly rely on the federal/provincial governments to go on a fact-finding mission. This issue is so important that to rely solely on the outcome of the countrywide commissions, and these are orchestrated commissions, by the governments – it would be folly to believe they could resolve the dilemma facing the country today. There would be no impartiality in the outcome since each commission would seek to satisfy the whimsical desires of the government of the day.

I would propose a randomly selected commission consisting of citizens from each province and all backgrounds who would be nonpolitical. Once they conclude their findings, the material would be handed to another randomly selected constitutional committee to evaluate, after which they would rewrite a new Constitution. The new Constitution would be presented to the people of Canada, who would vote on accepting the revised Constitution. This process is fair insomuch as it doesn't allow politicking to influence the outcome, thus ensuring that the process of democracy prevails. The failure of Meech Lake is a classical example as to why politicians should be kept at a distance in dealing with constitutional affairs.

Going further into the aspect of the choices we have on the types of government and the systems of government, I looked at the unitary system and whether it would meet the needs of Canada, bearing in mind that Canada is quite an immense country and this type of process, which is also being utilized in Britain today, has its inherent flaws. In Britain it's noticed that the advantages are for the people living in the southeast of the country. This is where the population is most concentrated. It would also reflect that this unitary system would be not quite dissimilar in ways in the processes of adminstration from Ontario or, okay, Ottawa inasmuch as we're talking about the largest percentage of population being in that particular area, so all the policies would favour that region much, much more. The government has divided its responsibilities with the counties in Britain, inasmuch that we have also seen it distributed and the responsibilities being shared here in Canada by the provinces. It couldn't possibly work in Canada because of the immensity of the country and the diversified makeup of each province.

12:00

Looking further at the current federal system and whether it provides enough flexibility for Alberta to succeed as a province or Canada as a nation, it is only fair to say that the form of federalism we have today has been the accepted norm since 1867 and should prevail well into the next century. The only drawback, of course, is that history never repeats itself because times change and, with the passing of time, needs also change. It becomes apparent that we should adjust to these changes. Historical Acts should be revised to reflect our modern values. What was accepted in my grandfather's generation is not consistent with the modern world I live in. The flexibility is there to allow Alberta or any province to succeed, but the provincial governments seem to prefer more autonomous powers in dealing with their affairs. Such ideals are not conducive to the process of federalism or national unity.

I believe the federal government should control defence, currency, health, welfare, education, natural resources, and communication. The provinces should have some controls, of course, urban and rurally concerning policing, transportation, a share in education in that the curriculum should be consistent; that is, throughout Canada we have a consistent curriculum, and the marking process and such should be consistent throughout Canada. We should have a share in health and welfare, since it will vary between provinces, and also a share dealing with agriculture and immigration, since both are unique to each province.

Looking at the other question, should the federal government have more or less responsibility, and what about the provinces? Well, as I go back, the current system has been a workable philosophy since Confederation, with some changes. I honestly feel that relinquishing power to the provinces would dilute the process of central government. It can be construed that Canada is too centralized, but I'd say previous governments have decentralized enough of the responsibility to the provinces without creating autonomous regions.

Should all the provinces have the same constitutional responsibilities? Would varying responsibilities represent constitutional equality, or would this be another way of expressing provincial diversity? Under a Constitution, which is another form of contract, those who have committed themselves to it should adhere to the responsibilities set within it. It is clear that variation in these responsibilities would represent constitutional inequality, as we have seen with the favouritism shown Quebec. The result may express provincial diversity, but if it implies that one is more distinct from the other because of its diversity, then maybe we should accept some of the inequalities.

The other question concerning: how would varying constitutional responsibilities affect our ability to implement national, social, and economic policies, and would it alter our sense of citizenship and national identity? Well, any variation in these responsibilities would diminish the ideals of federalism and destroy any hope for uniting the country. The national, social, and economic policies will be diluted to the point of collapse, and the provinces could decide to break away with the possibility of establishing alliances with one another; example, all the western provinces. Should this occur, our sense of citizenship and national identity would certainly alter.

The question concerning Quebec being assigned special powers in certain areas, or even Alberta. I think Quebec's politicians have insisted that Quebec is a distinct society, and this analogy was purported to come from the Quebec Act of 1794, as specified by Mr. Bourassa, I believe it was. All the provinces are equally unique in their own ways: in culture, religion, language, traditions, and the cosmopolitan makeup of each one. It is this uniqueness which makes each province distinct from the other. It is unfair that one region of Canada deems itself more distinct than the others and threatens the unity of the country because of it. Quebec should not be assigned special powers in any area which would be seen as appeasement to keep it in Confederation, bearing in mind that Quebec never officially agreed to be a part of Canada at the time of Confederation. I strongly feel, of course, that Alberta should never seek special powers either.

Just going further into the issue with Quebec, unfortunately, I suppose, like many other Canadians I'm one who has never really visited the province and never really had the opportunity to get to know the people. Unfortunately, I'm one who has to read a lot of press or media releases, and these can be slightly tainted or difficult to comprehend. I have no firsthand knowledge. But what we have to look at in relation to Quebec is that I think it's up to all Canadians to learn to understand what Canada is all about and what it should mean to all of us as citizens of this country and not just let an issue like Quebec destroy or change whatever ideals we have for the future. I could be wrong, but I feel there could be apathy amongst Canadians, or are we just complacent as a nation?

I looked at the situation concerning the triple E Senate reform. I was fortunate to receive a copy of the report from Mr. Anderson. I tried to understand it as fully as I could. I believe the Senate should be elected and not appointed because of the situation concerning the politics of a Senate: if the Prime Minister can use historic Acts to stack a Senate to pass his legislation, then I think there is no basis for fairness in such a process. I think we should clearly look at an elected Senate, one in which Senators should be nonaffiliated to any political party. That's the way I see it. It shouldn't have any affiliations, because the Senate in some ways is similar to the process of the House of Lords in Britain. It's an upper Chamber allowing for a democratic decision to be made as to whether or not legislation should be passed; it's a stopgap in some ways. I strongly feel that we should have a stopgap and it should be an impartial situation whereby there would be no bias reflected in the decision.

12:10

Further into the executive federalism aspect of the paper, I don't think this is a process we should even embark upon, because after the failure of Meech Lake, it couldn't possibly work. The idea should never be written into the Constitution, because the constitutional foundations have crumbled beneath us since the Meech affair and too much politicking took place bringing about the premature dismantling of Canada. Each participant was seeking to achieve what was good for their province with no overall regard for what would be acceptable to Canada as a whole. If executive federalism means issues being bickered over by misguided bureaucrat idealists, then I definitely don't want it in the Constitution.

That basically covers most of the questions that concern me, although I do have other comments to make with regard to the multicultural Act. I feel in that issue we should be looking at, hopefully, if it's going to enhance an understanding of each other as Canadians, bearing in mind that we are multicultural. We have many people brought in from all parts of the world now being allowed to live here. Then again, unfortunately they've become disillusioned just as much as natural born Canadians as to the process of democracy and the way it should work. So I feel we should learn to understand each other a lot more, and in order to do that, we should educate our children a lot more to understand that there are cultural and traditional differences between us as Canadians. Those are the values these individuals hold close to their hearts, as much as I hold my patriotism to Canada close to mine.

I love being Canadian. That's all I can say.

MR. DEPUTY CHAIRMAN: Thank you very much.

Barrie, followed by Sheldon.

MR. CHIVERS: Bob, I wonder if you could assist us. Many of the presenters to this committee have given us their views with respect to language rights, bilingualism, and matters of that sort. I'm wondering what your views are with respect to official languages, language rights, and bilingualism.

MR. McCALLUM: Well, when it comes to bilingualism, I will admit that when I went to school in Calgary – and I went to Crescent Heights high school by the way – I learned French. I learned French in my junior high years at Stanley Jones as well. Unfortunately, it was a language I was never able to use because I was situated in an English-speaking part of Canada, predominately English by the way, where it became totally useless to me apart from it serving to some advantage in my experience of traveling to France. I was able to make myself understood.

As a country which has developed over the last 100 years and has used a bilingual undertone in its language, I will accept that bilingualism should prevail. We should all understand the language. But then when you universally travel in the world, you're talking about English being more prevalent than any other language, and business is done in English.

MR. CHIVERS: Thank you.

MR. CHUMIR: Bob, thank you for your excellent presentation. As one who's had his body both in and out of the country, I'd like to ask you about the appropriate level of jurisdiction over immigration. There's a move now by the provinces to get greater jurisdiction over immigration re the selection process, numbers of immigrants, and so on. I would appreciate your views on where you feel this should properly reside: within individual provinces or at a federal level?

MR. McCALLUM: Well, I think it should be federal, but it should be a shared issue, because the provinces will probably want to pick the cream of the crop, so to speak, from the immigrants. I'm sure what Canada has to realize is that this whole country is made up of immigrants. My grandfather wasn't born a Canadian, but he died a Canadian. I'm quite certain of that, because he spent the latter part of his life living here. When we talk about maybe selection and the process of selection, then I think we should look at allowing all sorts of immigrants to come into the country whether they have money or means – okay? – to find a way to survive. The unfortunate part of this part of the world is that if you visit these other countries and ask people why they want to come to the west, Canada or America, they just think it's all glitter and they want to see this, to experience it. They don't realize that we have to work 40 hours a week to earn our money to go and visit their countries, and we have probably saved a lot of money.

So immigration should be a shared issue, and it should be accepted as shared. We shouldn't just decide who we want specifically to come and live in this country, because we have to create a country with a population sufficient, obviously, not to be a strain on the services we have but sufficient to see it – I'm sort of getting myself twisted up here – survive. Our parents and grandparents, who were the original immigrants, were not selected; they just came here because they were looking for new opportunities. So all immigrants would be seeking those same opportunities.

MR. CHUMIR: I just want to ask one brief question on an unrelated matter. That is, would you be supportive of entrenchment of right of access to information for citizens in the Constitution? Do you think that is an important element?

MR. McCALLUM: Yes, I think we should all be able to access information that concerns us as people and as a nation. Nothing should be done behind closed doors.

MR. DEPUTY CHAIRMAN: Thank you very much.

On behalf of the committee, I'd like to express our appreciation to every presenter who appeared this morning, as well as to the audience who helped support those presenters. We hope you found it an interesting and enlightening process and hope you will follow our progress over the next number of months and perhaps become participants in a more active way yourselves. Thank you very much.

[The committee adjourned at 12:18]

1 p.m. **Saturday, May 25, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: The Chair sees a quorum, so the committee will come to order for the afternoon session. On behalf of the committee I'd like to welcome those present this afternoon.

In case we have some new people from this morning, I will introduce those at the table. On my right is the Hon. Nancy Betkowski, MLA for Edmonton-Glenora, and on my left is Barrie Chivers, MLA for Edmonton-Strathcona. My name is Stan Schumacher, and I represent Drumheller constituency. Joining us will be Sheldon Chumir, who represents this part of the city of Calgary as the MLA for Calgary-Buffalo. He is just coming to the table now, and soon to join him will be Bob Hawkesworth, MLA for Calgary-Mountain View.

So without further ado, because we do have a very full schedule for the afternoon and people do make a point of being here for their presentations and we don't like to hold them any longer than we have to in case they have other commitments, I'd invite Fred Hanisch to the table and say welcome, Fred.

MR. HANISCH: Good afternoon, Mr. Chairman, committee members, ladies and gentlemen. I typed my effort here twice, and strangely enough the second time around I wound up with two more pages than I had the first time. However, it's all double-spaced, so it shouldn't be too bad.

As is obvious from my accent, I am a naturalized Canadian. Having grown up under two different types of dictatorship, I decided at an early age to hightail it for greener pastures and emigrated to Canada in 1952. In order to see a little more of this world, I joined the Canadian Armed Forces in 1955, and finally I retired from that organization nine years ago. Since then I have been an interested observer in the Canadian political scene, and let me assure you, it has been a real eye-opener, to say the least.

This country still resembles paradise in some respects, particularly to a recent arrival from an unfortunate environment such as, say, Bangladesh or one of the Central American countries in upheaval. But on closer examination one must admit that we do have our somewhat smaller problems, the largest of which is our politicians, politicians whose primary and ill-disguised concern appears to be their own welfare, who think of themselves before they think of the people they are elected to serve and represent, politicians who do not listen to their constituents but who, with rare exceptions, do as they are told by their provincial or federal leader. When we do have that rare exception of an MP who ignores his own welfare and represents the opinion of his constituents, he promptly gets turfed out of the caucus for not adhering to party discipline. Well, that sort of thing is okay for the military. I for one in a democracy expect my MP or MLA to have the freedom to vote and represent the opinion of the people who elected him or her.

Everything is, of course, relative. Relative to Third World countries we are indeed very well off. Compared to, say, Switzerland, the Canadian political system leaves very much to be desired. Switzerland, with a population of about 6.6 million people, is a small country with a harsh climate, covered to one-quarter of its area by impassable mountains, and has virtually no natural resources except for its banks and bankers. There they have 1 percent unemployment, generous social services for the needy, as well as high quality educational and health services, the latter financed through private insurance and user fees. Also, significantly, the Swiss see interest rates never higher than 6 percent and a rate of inflation of 4 percent. They have the smallest civil service, the smallest national budget, and the lowest taxes in Europe, proportionally speaking. For anyone who would like to confirm that or find out a little more about it, I have some reading here I'd like to recommend by a Prof. William D. Gairdner, a businessman and ex-member of the Canada Olympic team. The title of this is *The Trouble with Canada*, currently in its sixth hardcover printing and very highly recommended. I don't agree with everything he says either, but then no two people ever agree on everything.

Now, how do they do it, these Swiss? They have done it by depoliticizing their country, by governing from the bottom up instead of from the top down as we do in Canada. There are no costly leadership campaigns and personality cults. Election costs, I understand, are minimal. There are 23 self-governing cantons or provinces, 46 federal representatives, and seven – I repeat, seven – federal cabinet ministers in Switzerland, each of whom takes a turn for one year as chairman or president. The country is trilingual – in other words, federal services are provided on a trilingual basis – with each canton or province being populated by one or the other of the language groups. If as an Italian-speaking Swiss person I'm not particularly enthused about all the German speakers in my immediate neighbourhood in my province, I move to where my own group predominates, into another province. This form of government has existed in that country for 300 years and has served them very well indeed.

Here we have enforced official bilingualism as well as taxpayer-paid multiculturalism, both of them very expensive and, according to all the polls, unpopular. Our politicians finally seem prepared to admit, albeit reluctantly, that these programs are unworkable. Speaking for myself, when I departed for Canada, I did so with the expectation of becoming a Canadian, not a hyphenated Canadian. Being bilingual but not an English speaker, I expected to learn English. I did not expect to be known as an Anglophone, a Francophone, or a multiphone. Granted, every educated person should be bi- or indeed multilingual, whether in French, Latin, or Greek. These days Japanese or Russian might be more useful, or even Chinese. Educating our young people to become bi- or multilingual is the job of the educational system, not the taxpayer. Multiculturalism has proven, I think, to be divisive. It emphasizes our differences, and it's virtually unworkable.

Our politicians often proclaim that the social system and the educational system in this province and this country are second to none. Again it is relative; it depends on who we compare ourselves to. Take education. It takes two years longer in West Germany to graduate from high school than it does here. The Japanese educational system makes the West German educational system look sick. Canadian businessmen often bemoan the lack of skilled labour in this country. The West Germans have an apprenticeship program funded 50-50 by business and the federal government, producing a very skilled labour pool. I understand it takes a minimum of four years to graduate as a journeyman.

In any event, we are burdened in this country by a huge number of politicians, tired old party hacks put out to patronage as Senators and an attendant huge federal and provincial bureaucracy. Even here in Alberta our illustrious leader in his infinite wisdom has seen fit to appoint two ministers of education. Personally, I feel if either one of them can't do the job by himself, fire the both of them and find somebody who can. From my own past experience I know the Canadian Navy had at one time, and for all I know still does, more admirals in Ottawa than it had ships on both coasts combined. There are more corporals than privates in the Canadian Armed Forces, and there's one commissioned officer for every six or seven enlisted men.

Back to our MPs and MLAs for a moment. Just once I would like to see a politician tighten his or her belt alongside the rest of us rather than cutting programs for seniors. Perhaps the size of this country makes it impossible to reduce the number of MPs and MLAs, but common sense dictates the elimination of lifetime pensions after sitting for only six years as an MP or MLA. I had to serve a minimum of 25 years for my pension. Nothing exists in the private sector that resembles our politicians' pension scheme. We are always told that these benefits must be offered in order to attract the required talent into the political service. The talent of the likes of Mr. Crow and Mr. Wilson, for example, has given us nothing but high interest rates, has caused innumerable bankruptcies, and will have raised the national deficit to $400 billion by the end of 1992. Add to that another $150 billion in provincial deficits and God only knows who, if anybody, will ever manage to pay this off.

1:10

Lest the provincial politicians present here today are complacent, they have nothing to be proud of either in that respect. Here the excuse for a $10 billion deficit is falling oil prices – not all of it, people, as you well know. According to the Provincial Auditor, well over $1 billion will be lost due to financial support of failing businesses and manufacturing endeavours. According to the minister responsible, that is something to be proud of; in other words, chicken one day, feathers the next. If we lose some, we can always get part of it back from the seniors. We'll make cuts to health care or social programs.

I recently had a look at the *Corpus Administrative Index* at the public library. It is truly something to behold, to see how many assistant deputy ministers our federal and provincial ministers seem to require to administer their assorted programs. As well, in addition to 37 – or was it 39? – federal ministers and their attendant entourage, we have 28 parliamentary secretaries, each of whom is busily engaged in promoting and dreaming up costly programs to justify his or her own existence and keep the assorted underlings and gofers busy. But enough; you got the message.

Regarding national unity and the possible separation of Quebec. I have been an on and off resident of Montreal over the years. In fact, my first residence in Canada was in Montreal for three years. I discovered that there are two schools of thought, one of which maintains that this is a recurring phenomenon. As each generation approaches maturity in Quebec, idealism and pride in the achievements of the people of Quebec produce the ferment of the idea of independence. As the former students settle down and look at the upcoming mortgage payment, idealism takes wing and departs. Hence in any referendum cooler heads will prevail, and the separatists will lose out. Meanwhile, Quebec politicians of course will endeavour to get as much as possible out of federal politicians in the way of concessions and whatnot. The latter, in order to get the Quebec vote in any federal election and wind up with a majority government, will give away everything that is not welded down. The other school of thought maintains that Quebec independence in the long run is inevitable. If it does not come to pass in 1993, it will 25 years later. Be that as it may, this is for the people of Quebec to decide.

There is also an economist teaching at McGill University in Montreal, a Mr. Watson, who maintains that Quebec independence would not be the out-and-out disaster for the rest of Canada that our politicians try to tell us it would. I have a photocopy of that gentleman's opinion which was published in one of our national newspapers. I've got that right here.

Amongst other things, Quebec's separation would force the four maritime provinces at long last into the often talked about union, into one province, something I believe would only benefit all the good people down there. Let's face it; right now P.E.I., with a population of 131,000, has 38 MLAs. Who needs it?

Regarding the maintenance of the Francophone culture and a distinct society, if Quebec should decide to remain in Canada, I think la belle province has already all the powers she could reasonably expect. By the way, there are very, very few people from Quebec who vacation in or retire to France to renew and reinforce their cultural roots. Au contraire – on the contrary – 99 percent of them vacation in and retire to Florida, where they manage to make themselves unpopular with the locals by demanding to be served in French.

I've only got two more pages and I'll get out of your hair.

I for one would like to see official bilingualism abolished; likewise for multiculturalism.

We should take all the time we need to come up with a new Constitution, even if that should require five years. Never mind the time limit set by Mr. Bourassa in Quebec.

One would like to see the Senate, as it exists now, abolished; likewise for MPs' and MLAs' lifetime pensions. Limit their terms of sitting to a maximum of two. You can always use fresh blood, new blood in those positions. Limit the number of federal cabinet ministers to a maximum of 21 and their provincial counterparts to a maximum of 12. There are far too many duplications of services and departments.

The federal government should set standards and maintain control of education, health care, and social programs such as pension plans, et cetera, maintaining uniformity across the country. There should be binding national referendums based perhaps on a 50 percent, 7 provinces formula.

One would like to see something which exists south of the border, some means of getting rid of morally bankrupt, incompetent politicians; in other words, some form of impeachment.

Let us make sure that our elected representatives have free votes whereby they are to vote the way a majority of their constituents want. I don't buy Mr. Mulroney's statement of: Referendums – that's not the Canadian way.

Let us live in a participatory democracy: government from the bottom up. We are told that this would be too difficult to administer in a country as large as Canada. Rubbish, I say. The electronic age has turned that argument into nonsense.

Back to you, our elected representatives. You should be held accountable for your votes. There should be a system of penalties and rewards based on your performance in the Legislature. You should not be entitled to a tax-free benefit or allowance. On the contrary, you should submit your legitimate expense deductions to the taxation department like the rest of us.

Immigration to this country should be restricted during a recession. The present recently implemented immigration policy puts extraordinary demands on an already strained economy and old-age pension scheme. Newcomers to this country should not be entitled to benefits from social programs for a minimum of five years. Then after they've made some contributions towards the system, by all means.

By the way, if we must have a distinct society in this country, let it consist of the native people, the descendants of the aboriginal people who first settled this continent. The rest of us are all immigrants or descendants thereof. We stand and/or fall on our performance.

The various cultures seem to do quite well without official assistance, as witness Saint Patrick's Day or Columbus Day in New York or the Oktoberfest in Kitchener, Ontario. They do quite well on their own. They serve as good examples.

After ensuring the welfare of the aged and indigent, all government should be obliged to have balanced budgets on pain of losing some of their wages. Unemployment insurance should be returned to what it originally stood for, a coinsurance program of a limited length of time, not a welfare program.

Clean up Canada's foreign aid program. It's an out-and-out disaster, according to the media, with most of the dispensed funds winding up in numbered Swiss bank accounts or being utilized for the importation of arms by the supposed beneficiaries.

In any event, these are some of my thoughts, the thoughts of a small, perhaps insignificant but very, very frustrated citizen.

I could go on and on, about the need for conscription for example, for a two- or three-year term for our young people to instill in them a sense of national identity, pride, and discipline as well as a work ethic. I fear I rather know what the reaction of la belle province would be in regards to that. Locally, will we ever see a freedom of information Act in Alberta? And so on and so forth, but I think I may have had well more than my allocated 15 minutes.

Thank you very much indeed for your patience. If there are any questions by anyone, I'd be happy to try and answer them.

1:20

MR. DEPUTY CHAIRMAN: We have a question from Mr. Hawkesworth, Fred.

MR. HAWKESWORTH: Just one, Mr. Hanisch. Do you see any signs of hope in this country?

MR. HANISCH: Not under the present system, unless you people are prepared to implement some changes in our form of government. Really, I'm not the only one that's frustrated. From the assorted polls, I gather there are a lot of people who share my feelings out there. It's finally come to a head. The arrogance of some of our politicians is almost unbelievable. They talked about good old Pierre Trudeau. My God, Mulroney and Mr. Getty make Trudeau look like a prince. At least Trudeau had some brains.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. HANISCH: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter will be Bill McNally. Good afternoon and welcome.

MR. McNALLY: Good afternoon. I would like to talk briefly about direct democracy and its three traditional methods of increasing public participation in the legislative process. There seems to have been a certain looseness of language that has developed around some of these terms, so perhaps I will take a moment to define them.

The first process, based on the Swiss model, is referendum, which is the power of electors to circulate a petition to either affirm or rescind acts of the Legislature. The second, also based on the Swiss model, is initiative, which is the power of electors to circulate a petition to propose a law and then have it brought into force by a general vote of the electorate. The third method, which has gained some support in the United States, is recall. All of these reforms have the tendency of taking the legislative agenda out of the hands of political elites and putting them into the hands of ordinary people. The question, I think, for this committee is to determine why suddenly, after approximately 60 years, direct democracy has become such a live issue. I think it's fair to say that we live to a large extent in an era of political despair.

The causes are many, but I will at least address three of them. The first seems to be the crisis felt by the regions of Canada in contending with central Canada. People feel that their representatives do not uphold their interests in the context of the federal Parliament. They also feel there is an element of regional unfairness in terms of economic policies that disregard the best interests of western Canada. The second cause, I think, of despair has been the Meech Lake debacle, which basically attempted to achieve a consensus amongst political elites rather than a consensus amongst people to whom the Constitution would apply. I think the third and final cause of despair is the fiscal crisis.

Basically, there seem to be two aspects to it. One is a systemic one and the sense that bureaucracies and government are by nature of their own self-interest constantly expanding government programs and seeking further funding to sustain those. I think also the fiscal crisis is something that ordinary people can measure by the application of their own experience. There's a sense of a lack of thrift, that we are simply headed to the abyss and faced with the prospect of ever increasing taxes and perhaps ultimately default.

Now, I think that properly tailored, a direct democracy could alleviate many of the concerns that people feel with these crises. First, in terms of the fiscal crisis, if the federal government were prepared to adopt some form of initiative process, people could implement, for instance, an amendment to the Canada Elections Act stating that if politicians resided or held power for two years in the Legislature without balancing the budget, they would then be disqualified from running again. That would have a very dramatic impact, I believe, on the energy that was committed to the process of controlling the debt crisis.

In terms of the Meech Lake accord and future constitutional talks, there doesn't seem to be any mechanism, unlike the situation that currently prevails in the United States, for ordinary citizens to participate in this at all. In Australia, for instance, any constitutional amendment is subject to popular ratification through something amounting to a referendum process.

The third is the issue of perceived unfairness in terms of the application of federal policy to this region. One way of dealing with this might be a form of referendum so that federal legislation that appeared unfair to western Canada could be subject to a general vote of electors if there were a sufficient number of people prepared to sign a petition to put that matter to the electorate.

Now, I'd briefly like to describe for you the horrors of direct democracy as they're perceived amongst people who oppose them. The first is the sense that the electors would never vote for a tax increase. In other words, people will not legislate pain. There have been a number of ways of dealing with this in some of the legislative models that have existed. For instance, Alberta had a direct democracy Act in 1913, which was repealed in 1959 by the then Social Credit government, which simply exempted on a generic basis all fiscal policies from referendum. In other words, while all other Acts of the Legislature were fair game and would be suspended from coming into force for a 90-day period after the end of the legislative session, fiscal Bills were not subject to attack by referendum.

Another legislative way or way that you can tailor direct democracy to avoid the problem is based on the idea of the government labeling Acts which would be subject to referendum. That was basically the method adopted by Patrick Boyer, who has written quite extensively in this area and, in fact, proposed a private member's Bill in the federal Legislature last spring. I think basically people would approve of tax increases if political leaders could gain sufficient political capital to make those proposals. I think that comes on two levels: first, a symbolic one in the sense that we see political leaders who have adopted an almost imperial style, and second, in terms of disregarding studies like the Nielsen report which have analyzed areas of government inefficiency that might be dealt with.

Now, the second horror that people parade about direct democracy is the fact that it might lead to some oppression by the majority. I think that's to some extent a real concern, particularly given the regional diversity of this country. If one is to say that numbers will ultimately win the day in terms of the legislative agenda, the danger is that Ontario and Quebec, with their vast superiority in numbers, might be able to push through legislation at the federal level that would be contrary to western Canadian interests. Again, as a formula by which referendum legislation could be adopted, one could have a regional component so that once an Act is subject to a general vote, it would have to have a simple majority in the various regions of Canada before it was ultimately enacted as law.

The third horror that's paraded against direct democracy is that opposition parties and radical fringe groups might use it as a means of gumming up the legislative agenda and that nothing would ever be done. The Swiss experience, I think, has been that it's really only the opposition parties that have sufficient organization and resources to really use the referendum process. It's a short time fuse; it runs 90 days from the end of the legislative session, and you've got to be able to jump on it. I do think that the way the Legislature is currently structured, there is a big political ante for political opposition parties to attempt to use the referendum process, because if an Act is not passed, it essentially amounts to nonconfidence and there's a risk of another election. What I suggest is that if referendum is to be seriously looked at, the rules of the Legislature must also be examined so that every failed measure put by the ruling party does not necessarily lead to nonconfidence; in other words, that we adopt some measure where there are either positive nonconfidence votes or fixed election dates so that the government simply exercises its mandate during that period.

1:30

The final horror that's paraded is that the cost of a vote is too much. Like the last speaker, I suggest that the new technology that exists should largely overcome this and facilitate a consultative process with electors. There are now, for instance, suggestions that the phone system can be used to canvass electors, or computer terminals, although perhaps they're not sufficiently dispersed amongst the population to make that a viable option.

I'd briefly like to talk about recall as well, because some of the objections raised to recall don't apply equally to [inaudible] and referendum. I think one of the arguments raised against it is that no one would run if they were subject to recall. In fact, the Social Credit government in this province implemented an Act to recall members of the provincial Legislature which lasted exactly 18 months, because the first person who was attacked by the new legislation was Mr. Aberhart, who was promptly hoisted on his own petard and didn't enjoy the experience. What it suggests, I think, is that we have to get to a process where people can freely express their views within the Legislature. The current party system is perhaps one of the most autocratic in the western democracies, and people are really unable to take a line other than the party line. I think the result is the waste of great talent. So, if one is to implement recall, I think one has to examine the way that the Legislature functions to allow people some liberty.

Now, the other thing that I would like to mention is the whole fact that basically under our theory of democratic law, Parliament is omnipotent and can revoke any piece of legislation in another session. So if you have a situation where some government or political party is brave enough to implement direct democracy, the danger is that next time around, having run the gauntlet of opposition parties using these new weapons, they simply would repeal it. Perhaps one way to ensure some political responsibility would be to anchor direct democracy in the Constitution. There's an opportunity now to do that, because I think in accepting the Charter, which is the American model, we have enshrined some sense of absolute rights and we can perhaps mirror American theory of politics as a sort of social contract to make or have the power of people as absolute and paramount to the Parliament itself, which has never been the English tradition.

Those are my thoughts, for what they're worth. I hope they are of some assistance in guiding your committee.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you, Bill.
Bob?

MR. HAWKESWORTH: It was pointed out earlier this morning that in the United States, where referenda are much more common or propositions are much more frequent, the actual participation of people in the electoral process has dropped dramatically; it's comparatively a small percentage of people that actually get out to vote, maybe one of the reasons being the intimidation of the number of choices and the number of issues that they're forced to contend with. So I ask you to address that question just in terms of practicality of overwhelming people with all kinds of initiatives. Secondly, in terms of direct democracy I haven't yet heard anyone speak about the Australian law that requires people to vote; that is, if you don't vote in an election, you're subject to a several hundred dollar fine. It's against the law not to vote in Australia. I wonder if you have any thoughts on that.

MR. McNALLY: Well, I do. I think one of the promises of direct democracy is that people will inform themselves on political issues, and instead of voting for a representative every four years, they will be able to address their minds to substantive policy issues. So the fact that in California there's a small number of people who are prepared to inform themselves doesn't seem to me to be really a problem. As long as there are some people who will take it upon themselves to inform them, I think that's the most you can achieve.

Now, the second thought of imposing a penalty on people who don't want to participate in the electoral process: I don't think I agree with that, because surely people should be concerned enough and have a position before they simply go to the polls and put an X on the ballot. I mean, they might not understand it; they might be confused by it. I tend to think that people will only voice an opinion about issues that they are able to understand.

MR. DEPUTY CHAIRMAN: Barrie?

MR. CHIVERS: Yes. Bill, if I understood your submission correctly, you were suggesting that the direct democracy which you're proposing could be entrenched in a manner similar to the Charter of Rights and Freedoms. Did I take it from that that I would be correct to assume that you support the Charter of Rights and Freedoms approach to things?

MR. McNALLY: Yes, I do. I think that part of the problem with the Charter is that it almost has thrown Canada under a gigantic magnifying glass. We now have a situation where because of the Charter we detect differences between English Canada and French Canada in terms of their valuing of the individual versus collective rights, but I think it's now too late to go back, and I endorse having a Charter. All that I'm saying in terms of direct democracy is that within the Canadian tradition Parliament is omnipotent and can always revoke legislation passed by a previous government. The problem with direct democracy is that when you start getting close to exercising the brass ring and real political power, direct democratic measures start looking like a real problem till they exercise that power. So it's hard to envision a partisan political party having the courage to adopt such measures faced with the prospect that in a subsequent Parliament the other side would be able to change the rules on the playing field again and go back to the old system. So, you know, to ensure that those things become anchored in an inalterable fashion, you would have to make that a constitutional amendment in order to subordinate Parliament to collective will, which would be the American democratic political theory.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill.

MR. McNALLY: You're welcome.

MR. DEPUTY CHAIRMAN: The committee would invite Thomas and Sharon Moore as our next presenters. Good afternoon, and welcome.

1:40

MR. MOORE: Good afternoon. Thank you.

Just before we get started, thank you very much for the opportunity of addressing you this afternoon. You may find that many people who sit at your table here are well-heeled, and for what they want to talk to you about they have done a great deal of research. We have tried to do as much research as we could in the last short period of time. Basically, we represent just a middle-class husband and wife who have some genuine concerns about what is happening in the marketplace. We're not saying that we're necessarily right, and we're not saying that we're necessarily wrong, but we do have some genuine concerns that seem to be going on in Canada today.

Our original submission presented to the committee about four weeks ago would have taken us probably 45 minutes to an hour to deliver, and we've worked very diligently to try to get this down as short as possible.

MR. DEPUTY CHAIRMAN: We're sorry that we had to sort of impose some time disciplines, but with the people who want to come, we've just found that necessary. We hope that it hasn't ruined your approach to this. Thank you.

MR. MOORE: No. The only thing is that when you look at some of the points here, they may be very short and very curt. There is always some explanation that goes along with the point, and we hope that people will understand.

I would ask my wife to start off with our submission. I'll carry on through it, and let her finish it off. Then it'll appear more like we did it as a team.

MRS. MOORE: We think one of the first questions that as Albertans we have to ask is: is it economically viable for Alberta to stay in Canada? As a citizen I believe it's worth it and so does my husband, but because it's cost us a lot of money up to now, it may not be worth it.

We'd like to address the out-of-balance system that we have in the House of Commons, the Senate, and in the Supreme Court that seems to cater to Quebec and to the provinces that have more population than we in Alberta. We believe this must be changed through Senate reform. Some other things that must be corrected are the fact that Quebec has three judges on the Supreme Court, also 75 members in the House of Commons. We believe we have to have a more balanced representation level by province in Ottawa.

We also do see great things for our country, but only if our governments improve their communication and listening skills. The secrecy has to stop. Some issues cannot and should not be made by a handful of elected representatives. They are simply too important to Canada as a country.

On the French issue we believe that French shouldn't be pervasive throughout our country or our system. We believe we do not need French in our province of Alberta, and perhaps if French people wanted an opportunity of having French heard, we would have a 1-800 number into the particular level of government and only in areas where there is a genuine need.

Given the past histories of our federal and even provincial government, we feel we do not really know the facts on Meech Lake, the Constitution, or the Charter of Rights and Freedoms, aboriginal issues, and women's issues, as a lot of this has gone on behind closed doors. We feel that a referendum would be used or could be used to stack the cards against Canadians, and in fact the government might hold it over our heads when it comes to having had a referendum, because as everyone knows, a referendum is only a yes or no vote. It doesn't allow us to put in specific questions or questions that will help us to find what we really want.

MR. MOORE: We also believe each province should be given control over more of their own business. Our federal government must realize that we are at a point where the provinces must be given more power not just lip service. These provincial powers to be given to each province should be in the areas of health care, education, the Young Offenders Act, natural resources, immigration, environmental issues, and regional economic issues, et cetera. More natural resource income and general revenues should go back to the provinces where it came from. The provinces should be given more leeway in setting these prices for these resources.

The way our federal government has done things in Quebec is very unfortunate, as they have given Quebec more and more power without the rest of the provinces receiving the same. If Quebec separates, Atlantic Canada will be cut off from the rest of Canada. Quebec should not be allowed to close these borders, charge tolls to cross these borders, or apply tariffs at these borders. Therefore, we believe that Quebec should not be allowed to separate.

Our Parliament does not function as well as we would like it when a party member can be turned out because they go against party policy. This is not right. Our politicians must be accountable to their constituents, but party policies now prevent this from happening.

Here are some measures that we feel should be brought into government procedures.

We would like an elected Senate: an equal, effective, elected Senate with three Senators from each province or territory. We would like the election of our Prime Minister by way of national election. He or she should not be picked as Prime Minister because they are the head of the particular party with the majority of seats in the House of Commons. We also believe there should be some facility for the election of cabinet ministers to specific portfolios by a nationwide election. We also believe there should be a limitation of the number of terms that elected representatives holding a portfolio or ministerial position can hold office.

Our Supreme Court should be elected by the elected Senate. There should be one from each province or territory, and judges should go through some kind of screening process before being elected.

We must have the right to recall, impeach, or otherwise hold a government responsible when we feel they have not represented Canadians in a responsible manner. As it stands now, Canadians have no legal way of holding them accountable until the next election.

Quebec is important, but not more important than any other province. If they want French, we believe they should have it. If they want their culture, we believe they should have it. We do not believe this should be made a national issue. If the negotiations with Quebec would result in inequality for other provinces or territories or resulted in preferential treatment for Quebec over the other parts of Canada or would damage Canada's capacity to address concerns and issues that go between provincial and federal governments, then Quebec should separate. The rest of Canada should not have to put out their tax dollars towards supporting Quebec's cultural and language differences or any other cultural language difference from any other people. People with different cultures and language must blend into the Canadian fabric, and then they should blend into their own fabric. Let us have one Canadian culture first.

The government also has to address the aboriginal land claims in these new talks. Why has our government given credence to the two founding peoples' concepts yet has not addressed our aboriginal concerns? They were here first, so it is not a two founding peoples' nation. We reject the concept of a two founding peoples' concept of a nation. We believe this is not right.

Here are some of the ideas we have on aboriginal issues. First, aboriginal problems must be addressed at the first ministers' conference on constitutional reform. Aboriginals should have equal rights in the federal government system – the House of Commons, cabinet, Senate, and the Supreme Court – like every other Canadian. Aboriginals also should be held more accountable for the finances they have received from the federal and provincial governments, and they should be held more accountable for these finances in the future. This is the 21st century, and along with these rights they want, they must learn to support themselves more than they have in the past. We cannot afford to continue to give the amounts of money we have given them or any other people. Along with the control must come realization that the aboriginal people must not expect the rest of us to foot the bill financially; they must be more responsible in taking care of themselves and looking after their own financial affairs.

We also must admit that we do not believe in aboriginal self-government; again, one country, one people, one law. But we are willing and prepared to talk to them in regards to their cultural and language differences as we would Quebec. We must build into the issue something whereby our federal/provincial agencies can get access to Indian lands to enforce Canadian law and rights, to quell disturbances, uprisings, or to simply put out a fire if necessary and never allow what happened at Oka, Quebec, to happen again.

1:50

MRS. MOORE: We as Canadians must be allowed to build one Constitution that allows our government to use our federal police where necessary and when required. Our governments must have this power, but we also think that our government has stalled long enough on the issue of aboriginal rights. We do not see that another royal commission is necessary when we already have reams of paper and records on this subject in Ottawa. Let's settle these issues now.

All Canadians must have access to and copies of information on major national issues so we can assist our government in making the decisions on these issues. We feel that if we had a referendum process which is just a yes or no answer, we should make our government accountable for the decisions that come out of a referendum, as a yes or no answer is too cut and dry and does not allow for a compromise solution or alternative. We don't necessarily agree with the referendum process, but then again we really have to say we don't necessarily not agree with it.

Again we thank you for allowing us to present our views, and we think that Canada should be a nation undivided.

MR. DEPUTY CHAIRMAN: Thank you.
Nancy.

MS BETKOWSKI: Thank you, Mr. Chairman. I just wanted to explore a bit the question of language and culture which you've raised and your view that French should not be pervasive in Alberta and that Quebec do what they want with their own language and culture. Yet you argue for a single Canadian culture. I wonder how those two juxtapose. What would be the Canadian culture, for example, in Quebec if French language were legislated totally by the province and they could do as they wish – our language and culture linked in that way?

MRS. MOORE: Well, I think in Quebec they have to build into something. I think they have to say, "Okay, we're going to be French here, but the English who live in this province have rights too." I think that the Bill they put out on the sign law was unreasonable. I believe that English people should have been allowed the right to have an English sign in their country. Even though the province is basically French people, I think they should still have the right to be English in that province. I think that if they live in other parts of Canada and they want to be French, that's fine, but it does not mean that the rest of us have to be forced or told that we have to conduct our day-to-day business or our governmental affairs in French. I think they have to allow us our English concept in the rest of Canada, but

I think as Canadians we have to allow them to have a way of hearing in French and of speaking in French. I think our courts should allow them to have their French language, possibly trials. If they have to speak French, then they should have their trial in French. But I don't think it's something that needs to be as totally pervasive as French Canada wants it to be.

MS BETKOWSKI: Or a Canadian federal model wants it to be.

MRS. MOORE: Right.

MS BETKOWSKI: And what about languages other than French?

MRS. MOORE: I think our country is made up of a lot of different countries. If we're going to give French Canada its niche in society, if you're going to make it recognizable for French Canada, I think you have to, as a government, say, "Okay, we're going to recognize all these other languages too." There are so many people here that speak different languages; they must also have the same rights if you're going to do it for Quebec.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: You suggested in one part of your comments that secrecy has to stop. Would you favour entrenching a right of citizens to access to information in the Constitution?

MRS. MOORE: Yes.

MR. MOORE: Most definitely.

MR. CHUMIR: Okay.

The Allaire report in Quebec has suggested that the Quebec government be given jurisdiction over education, health care, the environment: a whole range of areas. It sounded very much like you share that view in terms of transferring more powers to the provinces, and I'm wondering how you keep a strong, meaningful country undivided, as you wanted. Don't we in fact have a formula for moving towards a system in which Albertans consider themselves to be Albertans, Saskatchewan people Saskatchewanites, just in the same way as now Quebeckers consider themselves to be primarily Quebecois? Isn't that really the situation that's landed us into the divisive problem that we have now rather than feeling as Canadians and Quebeckers feeling as Canadians, as they should?

MR. MOORE: I think one of the problems we have, and it's common within Canada: we're a little bit too big. I get the opportunity of traveling across Canada and have many friends in different areas in Canada. When I come home to Alberta, I get the opportunity of talking to Albertans that have never traveled outside of Alberta. They don't really know what Quebec is all about; they just simply don't know. In my opinion, we happen to be a very, very conservative country. I wish we would get madder more often; maybe some of these things wouldn't be problems today if we did. Ourselves just as two individuals trying to get the people we know to make themselves available, to take a concern with what's going on in here, is very, very, very difficult.

That's not really answering your question. As far as we see the difference between an Albertan or a person from British Columbia or Saskatchewan, there's nothing wrong with having very, very strong regional differences. I think that's part of the chemical and biological makeup of Canada. We're proud to be Albertans. Even if you just take the buying trends, Albertans buy completely differently from people in Quebec. They buy different patterns; they buy different colours; they buy different styles of cars. What you can sell in Alberta you can't, basically, sell in Quebec because they think differently. There's nothing wrong with having a good, strong nation. The problem is that we're trying to run part of our country from 3,000 miles away, and some of those people just simply don't understand what's happening in this part of the country for the same reason that we don't understand what's happening in Quebec. We very often don't understand what their needs and wants are and their desires.

I think what we quite often say is that we want more regional powers. We look at the word as being "power." We look at decentralizing our government. We look at our federal government as giving something away. We don't necessarily want to give something away. We want to share something. It's not sharing money, it's not sharing power. It's sharing ideas, it's sharing dreams, it's sharing needs, and it's sharing wants. That's the way we particularly see this.

I would like to see a strong national government. Take your health needs. If I visit Ontario, I would like to make sure that if I got sick in Ontario, I would get the same good quality health care in Ontario that I got in Alberta. If I decided to be transferred back to Ontario, I would like to make sure that there is a good, strong educational system in Ontario, that my children could move from one area of the country and still have a good quality education available to them very similar to what I might expect here, and vice versa. There are certain national concerns that should be available to all Canadians wherever they travel, and those are the things that I think the national government should ensure and make sure the provinces enshrine, so that these things are available to all Canadians no matter where they travel to at what time of year.

There are other concerns where I think that we want to go in a specific direction because of our needs and wants, and we would like to have more control over that. I don't know if I make myself clear there.

MR. CHUMIR: So there is room for a federal role in those areas too, to ensure . . .

MR. MOORE: Oh, very, very strong government. I think there should be a good, strong central government, and I think the magic word here is "team." It should be a team that we set up. We talk about that in business. It's team Fuji; it's team General Motors. Why can't it be team Canada?

MS BETKOWSKI: It soon will be.

MRS. MOORE: We hope so.

MR. MOORE: Yeah.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. I'm wondering if you could clarify for me somewhat your opposition. You've stated at some points that you are opposed to official bilingualism yet you've recognized at the same time, Mrs. Moore, that you don't object to a French-speaking person, for example, having access to the judicial system in his first language. I'm wondering: just exactly what is it that you find objectionable about official bilingualism? Do you accept the official recognition of two languages, for example?

2:00

MRS. MOORE: I think if we recognize the fact that there are only two official languages in Canada, that's a misconception because there are not just two official languages. Years ago immigrants from Europe came over here, and they didn't necessarily speak French; they spoke a lot of other languages. In a lot of ways I think we're being made to believe there are only two languages in Canada, and there are not.

MR. CHIVERS: But you would still continue your position that it would be proper for all French-speaking people to have access to French in the judicial system.

MRS. MOORE: I think you have to make it that way for them. I think you also have to make it available for people from Pakistan, from Fiji. If they're going to go into a federal government office and they don't have a way of listening in their own language, if they don't speak proper English, then I think they're going to be misinformed.

MR. CHIVERS: Thank you. That's helpful.

MRS. MOORE: Thank you.

MR. MOORE: Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.
Our next presenter will be Bill Tilleman.
Welcome.

MR. TILLEMAN: Thank you.

MR. DEPUTY CHAIRMAN: I think, Mr. Tilleman, we'll ask you to proceed because time is at a premium. Mr. Chumir will be able to surely catch up with you.

MR. TILLEMAN: Okay. He'll be able to hear me if I speak into the mike?

MR. DEPUTY CHAIRMAN: Yes.

MR. TILLEMAN: Okay. Thank you very much, first of all. Thanks to the government of Alberta for putting together such a panel, and thank you for all of your time on a Saturday to listen to us. What I'll do is basically paraphrase my outline, which you have, and I'll speak rather quickly so I can get through it. If you have any comments or questions, circle it, and I'll be pleased to go back.

There is concern that normal environmental statutes or laws can't fully protect the environment. Therefore, better long-term environmental rights protection is recommended and has some international support. I've referred you, in my outline, point number one, to a Law Reform Commission of Canada statement. Also, on pages 331 and following of the Brundtland report some comment is made over this international commitment to better environmental rights.

Specific environmental amendments to Constitutions do in fact exist worldwide, and I can point you to the countries of China, Poland, Portugal, Puerto Rico, Switzerland, Russia, Venezuela, and especially the European Economic Community. In the United States 21 of the 50 states, at my last count, had an environmental clause in their own state Constitution. Now, I appreciate that you may say to me, "Well, I'm not sure what help that does to the environment in those countries." We could look at specific examples of that; nevertheless, if it's only a public policy statement that isn't followed through, at least it is a policy statement.

I've only been back in Alberta for two years, but over that period of time I tallied up a dozen or more different reasons why I believe an environmental amendment is both contemporary and necessary. First, environmental rights are perceived as valuable to the majority of Canadians and Albertans, and I think any poll that we look at will suggest the same, even more so, perhaps, than property rights, which were left out of the Constitution. I cannot understand why they were left out of the Constitution. I would hold property rights as valuable, although I haven't addressed them specifically today as environmental rights. If you have a protected, entrenched right to property, you have quite a bit.

Second, we all know there are major social arguments over environmental use in Alberta.

Third, there are economic reasons, which we can easily find, to protect our resources.

Fourth, I'm not a political scientist, and that was not my background before I went into law, but when moral debates at all levels of society over a single issue are occurring, it suggests that the impetus for an amendment to a Constitution may be sound.

Fifth, this is backed up by a flurry of legislative activity for the environment, both in this province and also across Canada, for which I commend the government of Alberta on the position they've advanced. The interesting thing is that it's also being advanced by otherwise antagonistic political parties.

Sixth, judicial activity is proceeding at a rate which those of us who follow the Oldman dam issue know is unprecedented. Of course, what they're doing is lawmaking for the environment in the absence of what happened here, which was the lack of a statute for environmental assessments.

Seventh, interjurisdictional disputes over the environment have perhaps never been more frequent or intense.

Eighth, there is an unprecedented push for comprehensive environmental education, and I thank again the Alberta government and this Environment minister for the education programs which were announced two or three weeks ago.

Our government leaders in this province and nationwide are continuing to discuss new plans for the use of our resources.

Next, principles of recycling, which demand from all of us a personal commitment, are increasing exponentially. I find even in our house, probably at the insistence of my wife and my children, we have our little bins out in the garage, which have now stacked up and will force me on a Saturday to dispose of them.

Eleventh, there's a legal reason why amendments should be proposed as soon after an original drafting of a Constitution as possible, because the intent should be construed consistent with the intent of the original drafters, and we're only nine years away from April of 1982 and our Constitution Act.

Canadians including myself are becoming, uncharacteristically perhaps, more concerned for the future, and that is important.

Finally, protection of the environment is a key claim of aboriginal rights, and of course these rights are critical to a successful Constitution in Canada.

Having said that, and I do believe it, the task of an environmental amendment will be difficult to accomplish – I recognize that – because my goal of an environmental amendment would be to preserve both the environment and the economy. We all are much happier sitting in a nice, heated room with nice lights and with a nice sound system, and we're all dressed reasonably nicely. I prefer that, and I'm sure all of us probably do as well. For those, however, who don't, the right of privacy is a right which has long been protected. So a constitutional amendment must first balance economic and personal rights. I do sincerely believe that. I'm at my point number four.

Second, governments must find a way to respond to environmental concerns and still keep the economy functioning. Although it's unproven, I do think that businesses can respond to such an amendment or some increased environmental awareness, because over time I don't think it would amount to more than a few percentage points of their sales. This may take 10 years. It may take 15 years, and some businesses may unfortunately drop out, but others, to be sure, would be formed, and that would be good.

2:10

Now, I've included under point five my proposed first draft. I won't read it into the record, but you clearly have it in front of you, and you can review it. There are two things. I need to comment that this follows the structure of a national wildlife federation draft. I've paraphrased it and changed it. Two points in my draft. First, sustainable development, I believe, means sustainable environment while protecting the economy. I think on balance that of all of the definitions I've seen, that's probably the definition that worldwide drafters intended. It is very confusing. Perhaps you'll ask me if I've included it without a precise definition, and I should be faulted; I can't disagree with that. The definition is very difficult. Second, the amendment which you have before you purposely includes economic values to be preserved.

Now, what if the federal government is disinterested in this government's position which you finally will put forward? Well, it is feasible that the Alberta government could draft its own provincial Constitution. I remember maybe a year ago – I heard this over the news – that a province in Canada may just simply draft their own Constitution. I thought to myself: what is wrong with that? I didn't see that as newsworthy, only that maybe they should. I'm not sure what the Charter did to constitutional law, but I know that section 52(2) does say that "The Constitution of Canada includes." So "includes" has legal significance, and that means that there are broader categories other than those that were stated. Perhaps you can discuss the appropriateness of that at the end of your task.

My most important point is this: what if an environmental amendment malfunctions? It could either malfunction because you could propose it but it would be not accepted by the government or the people or the federal people, or it could malfunction because it would be accepted but wouldn't have a lot of legal value. Well, if this is the case, there are three scenarios under my point seven that I think are really, quite frankly, valuable to you.

Number one, you still have a strong provincial statement that resource management belongs in provincial hands, and I do believe that's the position of this provincial government.

Second, the federal or provincial levels of government with more commitment to the environment or to natural resources may end up with the benefit of the doubt on a sections 91 or 92 controversy. As we know, in 1867 environment wasn't specifically given to the provinces or to the federal government. I hear today that the reason is because it was indivisible, which it is, but I think the reason is because 130 years ago we didn't think about it. We thought, rather, of other things, and we didn't see that technology would force our hand on the resources we have. They do have to look at sections 91 and 92. They do have to look at whether "Peace, Order, and good Government" may give the other level of government more right to it. So maybe an early commitment by this province in writing that you believe you have the right to this environment and that you propose an amendment could have some other value.

Finally, what if I'm wrong on all of these, and what if I'm wrong on all of this? I still think the symbolic importance of an environmental amendment is quite powerful if everything else fails.

In conclusion, we're clearly at a crossroads in Alberta and in our constitutional history. I have no doubt about that. The unusual thing is that the two main roads leading into this intersection I think are constitutional and environmental. The reason it's valuable to Alberta is because in this province we have people who actually do care about it. I believe that. I also know that we have the best resources in the world, so we have every reason to take these things seriously, to do something about it. I don't know where this point in history will lead us, but I do feel that by recommending an environmental amendment to your leaders, you will perhaps be taking the road less traveled, but the selection of this road, I truly believe – I know by your comments, Nancy, that you feel the same way. I've looked back in my own life. I've taken a lot of roads less traveled, and it really has made all the difference, and I have never forgotten that.

I've stated, finally, that from a legal perspective environmental management is a question of management shared with all levels of government: local, federal, provincial, and international. Therefore, you have the chance in Canada to use your discretion with the environmental platform to perhaps bring Canadians together with a better Constitution.

Those are my remarks.

MR. DEPUTY CHAIRMAN: Thank you very much.
Mr. Chivers.

MR. CHIVERS: Bill, you'll be pleased to know that there have been two prior presenters who also support your proposition, so I'm sure you'll find that encouraging. You mentioned as one of the rationales for an environmental amendment the relationship to aboriginal rights, and I wonder if you could just clarify a bit what you meant by that.

MR. TILLEMAN: I'm not an expert on aboriginal rights, but I do know the Supreme Court of Canada in the Sparrow case has recently given those rights more legal significance. I do believe all of us, by being aware in Canada, know that one of the important things to the aboriginal peoples is the environment. It's part of their religion, as it's stated, and I guess if we lived long enough on the land, then we would recognize why this is so.

MR. CHIVERS: Thank you.

MR. TILLEMAN: You're welcome.

MR. DEPUTY CHAIRMAN: Bob?

MR. HAWKESWORTH: Your point about the road less traveled. As Barrie has pointed out, it's the third presentation in the last two days, so it might not be as "less traveled." I think a lot of people really share your concern here about how we manage the environment and these issues in our process of constitutional review. Could you spend a bit of time just talking about this balancing of rights? I think one of the concerns the province of Alberta, at least the government, has expressed is that the federal government might use the environment as a way of dictating the pace and the style and the timing of resource management in the provinces. Of course, environmental management has to do with our collective rights of living together as opposed to the individual right of a person or a company to put in a strip mine or part of the ongoing economic rights of property and economic development. I'm wondering if you could explain how you see the balancing act between all those different kinds of pressures given the kind of draft you're proposing here.

MR. TILLEMAN: Sure. It is a tough question to answer. If you mention other provinces or the federal government, to me that immediately invokes issues such as interprovincial traveling of contaminants in air or water. Of course, I don't know how to best balance the rights. The receiving jurisdiction, wherever the air pollutants flow or the effluent tends to flow, probably don't receive the economic benefit. Therefore, that's where their challenge comes from.

I recognize that balancing is very difficult. I think an easy solution to the problems we've had, most of which unfortunately tend to be emotional, might be to strike a committee of people who live in both jurisdictions and who could represent both interests to review projects in advance which have an interjurisdictional effect. The most important part of environmental law, as far as I'm concerned – and I do have the luxury of making a choice when I teach this – is environmental assessment law. That, in layman's terms, means that if you look at the project accurately enough up front and ensure, hopefully, that it won't have the effects down the road, then you won't have to worry as much about running around and enforcing all of the difficult laws.

Having said that, the next question is: how broadly do you put this team together? If it's a local project in the city of Calgary affecting the Bow River, then it's the Bow. If it's a northern project in Alberta with impacts out of Alberta, then you have to put together a committee made up of different people, I honestly believe. The toughest question which then you would ask is: what about international impacts, which in southern British Columbia are a real problem? Perhaps not so in southern Alberta. Then perhaps it's a bilateral type of an agreement between adjacent countries. There are no easy answers, but those are my gut feelings.

MR. HAWKESWORTH: I appreciate that. Thank you.

MR. TILLEMAN: You're welcome.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. TILLEMAN: Thank you very much.

MR. DEPUTY CHAIRMAN: Our next presenter is George Wusaty. Is he present? No? Well, then we might get back on schedule.

Then it would be Richard Westbury. Nice to see you again, Dick. Welcome.

MR. WESTBURY: Thank you. I find these rather forbidding. I tend to speak with a loud voice, and there's two electronics. Like most of us, I'm suspicious of them. Having just dialed one number this morning and got somebody totally different, I did it again, and it went through again to the wrong number. Marvelous.

2:20

MR. DEPUTY CHAIRMAN: We've got a pretty good *Hansard* apparatus here.

MR. WESTBURY: I'm actually here to present two briefs. One I've lodged a copy with the lady outside on behalf of the Calgary branch of the Monarchist League. It's one that was presented to the Spicer commission. It extends, perish the thought, to four and a half pages of type. In actual fact, it's very tightly reasoned, and it's commendably concise, and it's very all embracing. I say no more. It is, I think, a useful contribution.

My own observations touch upon a problem that I suspect is dear to the heart of anybody who's been involved in the political arena: the wild difference between fact and the public's perception of fact. I've made inquiry and had a very interesting conversation this week with a gentleman who's on an exchange posting from the Montreal *Gazette* to the *Calgary Herald*. I discovered that the impression I have held is probably correct: that the man or woman in the street in the province of Quebec who speaks only French probably has a quite remarkably lopsided impression of what's going on in Canada.

How does one bridge that? Everybody in the room can write to anybody in Quebec expressing an opinion, and you're going to get a yawn. That's a one-sided view. There are very few totally impartial bodies in this country, or indeed any other, who are informed but are outside the political process. I believe one such group might be retired judges, who by definition have to be of high intelligence and very well informed. [interjections] There's an undercurrent. I'm not going to get involved in that one. I've met many judges, and occasionally they're just as foolish as the rest. The fact remains, though, that these people have been at a high level of public concern and are specifically not part of the political process.

I believe such a group as that could be charged with creating a list of the topics which will have to be discussed in the event that Quebec decides to go the Rhodesian route: unilateral declaration of independence. That appears to be what Parizeau is moving towards. He's running around saying, "Oh, of course there'll be no problem; everything will be just the same." English-speaking Canadian opinion is very slow to coalesce. It appears to be doing so now in the light of the enactments relating to language that have been imposed in Quebec and apparently the new tendency to say that a person may be refused a job because he is not a Québecois de pure ligne. If somebody's name is McDonald, they're refused a job even if they speak no language other than French. That is just as truly racist as anything that's ever been done in South Africa, and if it isn't, it will be perceived so by English-speaking Canadians from one end of the country to the other if they decide to depart on their own.

If that happens, it's quite possible there will be no diplomatic representation whatsoever between Ottawa and Quebec, but there would inevitably be working committees set up to discuss a thousand and one topics. I believe the group of retired judges or whoevers that I suggest could usefully formulate a list of topics but not pass judgment upon them: boundaries, the national debt, civil pensions, Crown service, banking currency, and all the ramifications thereof.

Mr. Parizeau is an economist who said: well, of course, there's no problem; we can go on using Canadian money whether Canada wants it or not. I have a suspicion that the gnomes in the Bank of Canada would be able to overcome that one in a hurry. I'm not sure how they'd do it – I'm a geologist, not a financial type – but I'm quite certain they could certainly discover themselves with no financial structure whatsoever.

The loss of equalization payments and contracts to repair fighters or to build ships couldn't help but be detrimental. The loss of most-favoured nation status: it's entirely possible that this or that country elsewhere will flatly refuse to give them such status. It might have a very severe impact. I've no idea what it would be, but it could be severe.

Representation in Canada. If English-speaking Canada is wild enough, it might get none. It might even get sanctions. Rhodesia got them. South Africa is allowed an ambassador and nothing more. Who can tell? The U.S.A. had a rather substantial war over exactly this issue: a part of the country took off on its own. If Quebec goes for secession, that would be in fact, I believe, a classical casus belli, a cause for a civil war. Perish the thought that it should happen, but it would be a factor on the table.

I believe the list that I contemplate could include also the fact that the native groups in Quebec apparently are constantly at strife with Quebec City over the use of French rather than English. They have their own language and perhaps an imperfect knowledge of English but enough to get by with, and they resent being called upon to speak French. A French Canadian umpteenth generation in Canada cannot send his or her children to an English-speaking school, because that's naughty.

If French-speaking Quebec resorts to the proposition that they can leave without permission, can English-speaking segments of the province leave and rejoin Canada? That's a question that is bound to be asked. If they're going to go in for racist things, what are the reverberations that will go beyond? Will they get the frontiers of the Treaty of Paris, 1783, of Confederation, 1867, or of yesterday? If they leave taking any of the earlier frontiers, they lose James Bay and most of their mining, which would be a very reasonable compensation for part of the national debt.

These questions, I think, should be got through to the voters throughout Canada. I will suggest that the mechanism for doing so would be the system of the tax department. Everybody who pays taxes is in their machine, I presume, and some of the ones who don't pay taxes. If it's sent in both languages to everybody in Canada and as the names are spelled out alternatively French first/English first so that nobody can claim prejudice, I believe the very hardheaded, sensible people in the back streets of Quebec, the backwoods of Quebec, will sit down and say: "Now, wait a minute. Who is taking us for a ride? Is it the wicked English, or is it our own self-seeking, secessionist politicians?" I think there's a degree of self-seeking interest in this.

I think if the media see something scandalous and something regrettable and reprehensible, they'll blow it up. You don't get a good news story about somebody who's delighted with the welfare department for fixing their roof. If somebody is evicted for keeping skunks in the basement, then you've got a lovely story. I think this is a general malaise of the press. Where you've got irresponsible people toting thoroughly improper concepts, of course they'll run the story. There's no news in good news.

There's a concept I'd like to lay before you. I believe it has merit and would not require too much fuss. The Constitution itself, probably the BNA and as amended, isn't that bad, but there are a few things that need clearing up. The triple E Senate. To get the equal part of it will require an amendment to the Constitution. However, we've seen one elected Senator inserted. I believe Mackenzie King used to have a mechanism to get rid of cabinet ministers if he didn't want them by getting a presigned letter of resignation. There's no earthly reason why, if it were agreed, the Prime Minister in concert with most provinces – and I suspect all provinces would be delighted to go along with the arrangement – could depute their recommendations for Senators from the individual provinces, who select their own method of nominating people. It might be the dogcatcher from High River has a hereditary right; it might be a process of election, with a letter of resignation after five years, 10 years, three years. Although never exercised, the effective powers of the Senate, I believe, are extremely formidable. If they exercise the powers they've already got, it doesn't take a constitutional amendment; they're there.

2:30

The matter of self-government for natives above a community level, municipal level, I suggest is creating a problem for perhaps 50 or 100 years from now. With the normal percentage of less than commendable people, the Indians and Eskimos survived very well for a very long time. They're capable. They're able. They're beginning to cotton on to what they can do with their tax-free status. Two hundred years from now we may have a series of little independent states within Canada who are tax free but get all the benefits of Confederation. That won't work. They had a revolution in France about that in 1789; a segment of the population was exempt from tax.

The 1982 Constitution has rendered the Parliament of Canada and its three parts – the Crown, the Senate, and the Commons – as a second-grade Legislature. The appointed Supreme Court is now supreme. That needs to be adjusted. At the moment Parliament cannot override the Supreme Court without a great deal of trouble.

The last constitutional point I would make is that if immigration is deputed to any province, it's creating a problem. That provinces should recommend that this or that individual should be admitted, no problem, but if they have the authority to admit them, we may get people who are unacceptable to nine provinces admitted in one. We may get all sorts of absurdities growing up. As truly as the previous speaker said the passage of noxious gases across the provincial frontier, the passage of noxious people is a federal matter, a dominion government matter, not a provincial one.

Finally, I would like to suggest that the unending process of eliminating the signs and symbols of Canadian loyalty and patriotism must cease. Every sign and symbol has been assaulted. My family has been on this continent since the 1620s. I was conceived in this country, born in England. The depression hit, the family returned to England; there was a little bit to salvage. I grew up there. Having seen Australia and New Zealand, I chose to come to Canada. I believe I have a fuller right than some to speak of Canada. We've got an excellent chance of destroying it if this thing's done wrong.

We've got to get to the very sensible people, who are the majority of the French Canadians within Quebec. I believe I've suggested a mechanism – no doubt there are many others – that might accomplish this. We cannot tell them that this is how it is. We can tell them that these are the topics that will be discussed, and I think that will give them pause. The French ethos in Quebec is not a bedroom farce. It was hardheaded survival in the wilderness when they first got here; gold coins under the hearthstone, if you like, rather than frivolity.

Thank you for your time, sir, everybody. If you have questions for me, I'll submit. I do have one question I'd like to ask. Couldn't we have had slightly better signs that would be more visible?

MR. DEPUTY CHAIRMAN: Sorry. I don't know, Dick.
Are there any questions? Sheldon.

MR. CHUMIR: You have a reference here to multiculturalism being shifted over to the responsibility of individual groups. I take it you're suggesting that programs which encourage . . .

MR. WESTBURY: The proposition that multiculturalism funding should perhaps be diverted from encouragement of continued adherence to exotic societies to frankly helping them settle in Canada. On that one, I was impressed when I first saw a Stampede parade 30-odd years ago. There was a Caribbean-Canadian float; there was an Ukrainian-Canadian float; there were many others now described as ethnic but based on culture. People who came here or their grandfathers who came here from far away felt enough for their roots that they preserved manifestations of them. Now we appear to be encouraging the creation of exotic ghettos, psychological if not physical. I've had quite a bit of contact with some of the emergency people. The one thing I gather the ambulance people in Calgary dread is to be invited out to a dispute among some of the Orientals who have brought in southeast Asian prejudices and fight them out with knives. They've got absolutely nothing to do with what goes on in Canada. If you go back to the European context, there were some splendid wars fought between Scots and English, between Poles and Germans, and so on. Apart from a few snide jokes on Saint Andrew's Day, they pretty well disappeared.

MR. CHUMIR: So you're suggesting that cultural retention is the responsibility of individuals rather than the government.

MR. WESTBURY: Emphatically, and if they think enough of their roots, I'm certain it will be done and done well. If the funding that is available is diverted rather to English as a Second Language and perhaps French as a second language, they can retain the religion they brought with them, the taste in groceries, music, et cetera, et cetera, but also fit into the society and, incidentally, prosper better. If they live in the ghetto and continue to talk mixolydian – whatever that is – frankly they haven't got a hope in Hades of getting a decent job.

MR. CHUMIR: In many ways you sounded like a strong nationalist but didn't really talk about the division of powers. Since centralization versus decentralization is part of the fundamental fight we're going through now . . .

MR. WESTBURY: Indeed it is.

MR. CHUMIR: . . . I'm wondering whether you would advise: are you in favour of a weaker federal government, of transferring more powers to the provinces?

MR. WESTBURY: No. I think the balance that has evolved over the generations since 1867 by and large works pretty well. There were anomalies. One of them was the natural resources that were passed to Saskatchewan and Alberta in, I believe, 1930. Obviously, when a new circumstance of environmental concerns arises, there's got to be a process of adjustment. It's perfectly blatant that if somebody spills muck in a river in this province and it goes into Saskatchewan, it comes under national authority, not the provincial. But quite frankly, if somebody insists on keeping skunks in his backyard in Calgary, it's a purely provincial matter. Obviously, there has to be give and take. I personally deplore ironclad one-document written Constitutions because they tend to become a straitjacket rather than a suit of armour that protects you from trouble. They don't evolve unless they're constantly being changed. Nobody thought of the misuse of computers 40 years ago; 10 years ago it was becoming a problem. There's been very little done about this so far. There are clever people who can tap into all sorts of computers and find out the ruder details of all our lives. You can't contemplate such an evolution as that in a written Constitution; it's something that has to grow.

MS BETKOWSKI: I want to raise a question with you about your point on the appointed Supreme Court having dominance over Parliament with respect to certain actions of Parliament. That of course has evolved with the Charter, which is arbitrated by the court. You didn't give us a suggestion of what to do with that reality. Would you put in another institution, or would you weaken the Charter? There may be another alternative, but I'd be interested in your thoughts on it.

2:40

MR. WESTBURY: I'm inclined to suggest that perhaps the Supreme Court of Canada should be the Senate . . .

MS BETKOWSKI: Should be the Senate?

MR. WESTBURY: . . . and appoint those people to be Senators. It becomes, then, part of Parliament. That's a thought off the top of my head at the moment. Your colleague here is learned in the law, and I believe you are. I am not. I'm a geologist, and it's been asserted that I have rocks in my head instead of law books. I'm quite certain it's within the scope of human imagination to evolve a proper adjustment to this. I think the Charter of Rights may have been a mistake. It's entrenched now. Will it evolve? Will it encompass rights that are now taken for granted? Will it become the limit of your rights or the beginning of your rights? These are very early days. I don't know how many cases have been through the courts covering how many segments of the Charter of Rights. I doubt very much if the whole thing has been digested yet by the courts. You can answer better than I.

MS BETKOWSKI: I just want to get in.

MR. CHUMIR: I was just going to . . .

MS BETKOWSKI: On my question.

MR. CHUMIR: No, it's part of it. Just to help along the discussion, just to . . .

MR. DEPUTY CHAIRMAN: Well, let Nancy have her second question, and then we'll see whether it gets resolved.

MS BETKOWSKI: Some would suggest that the Charter has in fact become a discipline for governments, that in the passing of laws they have to affect people equally and can't advantage one over the other.

MR. WESTBURY: I don't quarrel with that one bit. But will it evolve into being a discipline for everybody, the ultimate limit of your rights or the beginning of your rights? Where it's written down, there is a hazard that it will become the limit.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon, did you want to . . .

MR. CHUMIR: Well, I'm wondering whether we don't already have an answer in the sense that Parliament and the provincial Legislatures are supreme with respect to the Charter, because you have a clause in there, a notwithstanding clause, which says that any Charter decision or right can be overridden by the Legislatures. In fact, that's what Quebec did with respect to Bill 101.

MR. DEPUTY CHAIRMAN: Only for some things.

MS BETKOWSKI: Not any one, Sheldon; just some things within the Charter.

MR. CHUMIR: Well, the basic Charter of Rights.

MS BETKOWSKI: Basic equality rights.

MR. WESTBURY: I have to defer to those learned of the law.

MR. CHUMIR: Thank you.

MR. WESTBURY: School is out?

MS BETKOWSKI: You got us going.

MR. DEPUTY CHAIRMAN: Thank you very much, Richard. It was a pleasure to have you before us.

MR. WESTBURY: If I may take this along as a souvenir. If I ever have an identity crisis, I'll hang it on myself upside down.

MR. DEPUTY CHAIRMAN: The committee would invite David Thomas for his presentation.

Welcome.

MR. THOMAS: Thank you, Mr. Chairman, committee members, for giving me the opportunity to speak to you today. I'd like to commence, if I may, with two general comments. First of all, don't be deceived by my slight Welsh accent. I've lived over half my life in Calgary, married a native Calgarian of pioneer stock, so like our previous speaker I feel very much Canadian and would like to make that point at the outset. My second point is that I know by 2:45 on a Saturday afternoon you may be feeling slightly worn out. It's cruel and unusual punishment perhaps, to coin a phrase from another jurisdiction, to have to spend a Saturday afternoon listening to so many presentations. My midafternoon lectures are traditionally difficult to deliver, so I'll try and be as specific and as brief as possible to give us time for questions.

This submission came about because I gave some testimony to the Edwards-Beaudoin committee, the House/Senate joint committee on amending the Constitution. When I did so, in the question period afterwards I was asked to submit my views on Senate reform because that had come up during the debate. I did so and thought that would also be of some use to your committee as well, given Alberta's abiding interest in the subject. At the same time, although I will focus on Senate reform given the time limits, I realize that the whole thing is like a Rubik's cube: any time you move a piece of the Constitution, other things look odd and need to be shifted as well. So you've got a gigantic puzzle here, and I think you can see that reflected in all the submissions we've had today. There is this inordinate complexity now to the situation.

I've tried to write something in the submission I made that takes into account current political realities, that presents ideas that are workable, practical and, at the same time – and I think this is important – compatible with our existing institutions, as compatible as possible, because changing radically is indeed difficult to do. I also realize that writing about the Senate is something of a cottage industry. I mean, if there's been an academic growth industry in the last years, it's Senate reform. Now, given the importance of the topic, however, we must address it, whether we wish to or not, as part of the overall problems we face, and an important part. Finally, as an introduction I would like to make the point that major Senate reform of the triple E kind is a very significant step. It's not an incremental change to the Constitution. It's not something that's in the normal tradition of constitutional change, where you make an amendment and then wait and see if it works and so on. It is a significant and major step and shouldn't be underestimated as to its effect and its complexity.

Now, my thesis, which I've tried to present in the brief, is that in order to have an elected and effective Senate, it does not have to be pure triple E. That's the basis of my presentation. I think there are variations on an effective and elected Senate that are worth considering, and it's worth considering certain details because these details are in fact vital. Now, I will not deal with the first five or six pages of my brief where I tried to set a sort of context for change. I'm sure you're well aware, more aware of it than I, in terms of popular opinion, popular views on the need for Senate reform and so on and why that has taken place, including certain current developments, recent history of Senate activity, shall we say. So rather than dealing with the context of Senate reform, the demands, I'll turn to the points I made in the brief in terms of the issues, the five issues I've raised, and try and work my way through those.

The first point I made was that absolute equality, although it's been Alberta's stated position each province should be equal, is not in my view absolutely essential. I think there are alternatives, and I've suggested one. I've suggested a modified set of numbers there; for example, basically 12 for Quebec and Ontario, six for Alberta and the other provinces, two for P.E.I., and two each for the territories. Now, I've offered an argument as to why those numbers are likely to work, and I would urge us to consider this as a possibility simply because the U.S. Senate model is not the only effective second Chamber to which we can look. It's the one we know best. It's the one that seems to be the most appealing perhaps, but if you look at other federal systems – Germany, for example – you'll find powerful second Chambers, such as the Bundesrat, which are weighted. The votes vary from state to state there, and you've heard this testimony before from Dr. Watts in the earlier hearings. I think my numbers make some sense. However, they're not driven by a population formula. It's a tiered system essentially, and it provides for a certain measure of regional equality as well. The reason I suggest this is because I think this, if anything, stands a greater chance of being accepted than the straight equality model and, for that reason alone, is worth considering. That's my number one issue: numbers.

My issue number two, absolutely crucial to this whole debate, is the powers of the Senate. I heard the previous speaker say, and I think he's correct, that the Senate already has considerable power. Its existing powers are significant. The problem is it can't exercise them effectively given the nature of the appointment process and its legitimacy. So I'm suggesting that a Senate could make effective use of its existing powers if it were elected and came about in a different way. I've argued that we could strengthen the Senate's role constitutionally by giving it an amending role that is stronger than its current amending role. Now, as you know, at the moment the Senate only has a suspensive veto; in effect, it's 180 days on constitutional amendments. So I'm suggesting the Senate will have a full and effective voice in constitutional change. I know that would have to be linked to other elements in our amending process, and you'd have to do that. You have to look at that as part of the overall process, which we're doing and which Edwards-Beaudoin is wrestling with. So I'm not suggesting you take this in isolation, and I haven't given you the full sort of scheme here, given the time.

2:50

At the same time as the Senate can have these effective powers, I think you have to have a mechanism for resolving deadlock between the two Chambers, and I don't think we necessarily spend enough time on this. You can have mediation committees as one suggestion, but you can also have the Senate only having suspensive veto powers, which I am not recommending; in fact, I'm recommending something rather different. As a mechanism for resolving deadlock, I am suggesting a special vote – two-thirds is suggested – where in a free vote the House could override the Senate. Now, I'm suggesting this deadlock is a worrisome prospect. If you look at Australia, you see examples; 1975's classic, where there were considerable difficulties between the two Chambers.

I'm also arguing that ultimately the sovereignty of the House of Commons would be protected without, at the same time, meaning that you don't have a powerful and effective Senate. I think there are mechanisms for doing both. I could add and people have added the notion that the Senate could have a role in appointing people to various commissions, CRTC and so on. Yes, that's worth considering. I'm a little more dubious about the Supreme Court. I think that's somewhat different. I realize we have different principles in conflict here: absolute equality of the provinces versus the sovereignty and the absolute sovereignty of the House of Commons, and majority rule and so on. I don't treat these as absolutes. I think that's a mistake. I think we treat too many things in the country as absolutes, including rights. They're not; they rarely are. They're comprises. They're in conflict, they have to merge, they have to blend, and that's what I'm suggesting.

My third issue is elections. Now, this is a wonderful one for political scientists. There are all sorts of possibilities for elections, as I'm sure you've heard. Fixed terms are still worth considering, and I'm willing to argue that's the case, but in fact I'm arguing that we should link Senate elections to provincial elections and not have a fixed term that's a variable term. There are some interesting arguments about the rate of turnover. I've looked at that, and I don't think the rate of turnover would be that great. If you just consider Alberta elections, Senators would have been in fairly consistently and would stand a good chance of re-election in a reasonable way without causing undue turnover in a Senate if you simply linked it to provincial elections.

I've argued in the brief that there are good reasons for doing this, because otherwise you run the risk with separate elections of getting completely out of whack on what's happening in a province. I gave you an example, which some of you may have liked, where you could have an NDP government provincially and six Reform Party Senators federally. Now, that would be an interesting juxtaposition of power, I would suggest, and any other combination one can think of. So I'm suggesting you could link it to provincial elections, and I see this as something of a compromise. You want to preserve the Senate as a national institution – I grant you that – not simply as in Pepin-Robarts where they suggested that the Senate be delegates from the provinces and speak only on behalf of the provinces. I'm not arguing the Pepin-Robarts approach, which is the approach used in Germany in the Bundesrat, but I'm still saying that we should try and preserve a reasonable link to the electorate in the province and what they're thinking and what they want. So that's my suggestion.

Fourthly, Quebec. Now, here's an obvious stumbling block to the whole process; people have made this point in previous testimony. But I think you have to see Senate reform as part of an overall package that will involve Quebec. While I regard the chances of our reaching agreement on all the issues we're talking about – well, frankly, I'm fairly pessimistic about our ability to reach agreement on all the bits and put them together, sorry to say. But I think some of the suggestions I've made would make genuine Senate reform at least more attractive and more feasible and viable in a Quebec-linked set of reforms, which go far beyond the Senate, as we know. They deal with a division of powers and all the other things that have been mentioned here.

Now, I am also suggesting, however, a double veto or a double majority in the Senate, as has been suggested by, for example, Clyde Wells, where Quebec would have rights pertaining to language and culture which would require a double majority, a Quebec majority, and an absolute majority in the Senate. I see some problems with this one, because defining culture is so difficult; for example, everything from radio and television to the division of powers itself and education and so on. This gets to be a very broad question, and I'm suggesting that's probably fraught with all sorts of problems that might well not be acceptable to the rest of Canada anyway. So every province would have equal powers in the Senate under this approach I'm suggesting, not a double majority.

The final suggestion I've made – and I will try and be as brief here as I can – is native representation in the Senate. I've suggested equality with a medium-sized province, if you wish, of six native representatives. Now, I know I'm being presumptuous here. I'm another white academic speaking on behalf of native Canadians, making suggestions which they might find unacceptable. I realize that, but at the same time, I think it's worth considering. It would provide a national voice, it would provide a focus for that voice, and it would encourage a consensus. Now, I haven't discussed how those six representatives would be elected, but I think there are ways of doing that through a native assembly process. I really think it is in fact worth discussing, but I'm not suggesting it for any other group. I think our aboriginal peoples, given their territorial claims, have a claim that is unique and very different from, shall we say, black Canadians or hispanic Canadians or British Canadians or any other group we care to name. I'm putting them in a different category for this purpose.

To conclude, I think we are sometimes in danger of taking too simplistic a view of Senate reform, as well as some other things. I agree with a remark made by the chairman of the original committee, Mr. Horsman, when he said Senate reform must be seen in this larger context. I think he was right.

My plea to this committee is not to get locked into only one answer to this particular issue. We have choices on a whole range of things, and it's our overall vision that will ultimately guide us, if we can get one. It is that overall vision, that overall sense of what we want Canada to be and what we want in addition to a triple E Senate, that I think you can see coming through in all the submissions you must be getting.

So that's it for my presentation. For the brief remaining time I'll try and answer questions on the Senate or any related issues. Thank you.

MR. HAWKESWORTH: This whole question about what to do with the Senate is an intriguing one. I guess the question is along the lines: what is the purpose of reforming the Senate? Is it simply to remove an offensive patronage trough, or is it for the Senate to protect the interests of minorities or the interests of regions, the interests of provinces at the national level? If it is to protect the interests of provinces, why would we choose to strengthen the Senate? Why not strengthen the provinces or conversely, you know, do something with the House of Commons, maybe more along the lines of proportional representation to make it more responsive to the people in that form? I guess I'm asking you a sort of host of questions all at once, but what do you see as the prime purpose for reforming the Senate, and why would that be a better way to go than perhaps some of these other avenues?

MR. THOMAS: Well, I think you're right at the outset. There's a good case for abolition. I think it's difficult, in fact, to make a strong case for the Senate as presently constituted. Some people have done that and have pointed out the Senate's legislative role is still important and so on. I grant you there's a strong argument, if you like, going in the direction of your question. At the same time, what I tried to argue in the brief is that for many people, particularly in western Canada but also I suspect in the maritimes, the whole idea of Senate reform has become linked to the idea of an effective regional and provincial voice at the centre which is not at the same time too parochial. They see it as a sort of balancing mechanism. Not merely, if you like, a mouthpiece for a specific provincial government which could be elected with a mere 41 percent, shall we say, of a provincial vote, but in a sense a mechanism for obtaining a larger perspective, a broader perspective on things freer from party discipline, which people dislike and distrust for a variety of reasons, with individuals who will be more able to vote free of party lines and their conscience, as it were. So if you like, I think they see it as an essential balancing mechanism in between strong provinces, which people still tend to want to some extent, and a reasonably strong central government, because people do not want decentralization to go too far anyway.

I mean, one can hear it today, but if you listen to the Spicer commission and what people are saying, they're arguing that we cannot, if you like, take away powers from the centre without rendering our central and national government and vision more or less useless. So the Senate they see as part of both, as that balance between maintaining reasonably strong provinces and strengthening the centre at the same time so that it is not (a) subject to straight party majoritarian rule by the House of Commons, and (b) driven by two provinces essentially because of the basis of that majoritarian rule, Ontario and Quebec. That's really my answer.

1:00

MR. HAWKESWORTH: Thank you. I appreciate that.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Mine's a variation on the same theme. It's really your suggestion, which I'm fascinated by, of Senators being elected along with the provincial election process. Presumably that is a furtherance of your view that you then break down the federal party discipline because you're voting provincially but you've got a national perspective.

MR. THOMAS: That was precisely my thinking. Now, I looked at all the other schemes that have been concocted over the years. They've ranged from holding elections at the same as the federal election and having Senators elected for the duration of two Parliaments, 50 percent each time. You could theoretically be in for eight years normally: two four-year Parliaments. I rejected the federal election approach because I did want to move it out of the sphere of federal party politics, which I think people have a deep distrust of. At the same time the other alternative, which is the fixed term, creates a whole host of other difficulties. I then think we're into reform of the whole process, and we have to start looking at electing the Prime Minister and fixed terms for the House of Commons. I mean, we're Americanizing the whole system. I don't think we have to go that far to get an effective answer.

So, yes, that was my compromise. I thought about the two-term rule for the provincial election too, but that could get too long. You know, you could have somebody in for eight years with no election. I think people need and want more accountability. Let's face it; in the United States there are elections for the House of Representatives every two years. The thing doesn't fall apart. Incumbents stay in. It's possible to do it, I think, and it has some merit, so that's why I suggested it. I realize it's an unusual approach, and there are all sorts of other arguments, but that's the one I favoured.

MS BETKOWSKI: Thank you.

MR. HAWKESWORTH: Could I just ask you one other question?

MR. THOMAS: Sure.

MR. HAWKESWORTH: Six Senate seats in Alberta, elected provincewide in a provincial general election. Just one example that we had in city school board elections before we went to the ward system was that we had these huge long lists of 50 and 60 names, which were quite intimidating and confusing for people. We choose instead to go to a ward system for election of the school board. I don't know whether the same process could be anticipated in a provincewide election, but do you see some potential problems in that way?

MR. THOMAS: All elections create potential problems whatever system one uses. Proportional representation has advantages, and I thought about that, but it has disadvantages too because you tend to vote the party list and the party system. So for every advantage of one system one has difficulties. I grant you that there might be a lot of candidates and so on, and I'm not precluding parties from being on the ballot. The current Alberta legislation in fact says that you may run as an independent or you may run as a party member. People might well vote along party lines, but I would think that you could trust ultimately to the good sense of the electorate to sort out the wheat from the chaff, as it were, to pick people they knew were distinguished Albertans in their own right or representatives of parties for which they wish to vote. I mean, you have the same problem in a mayoralty election in Calgary, don't you? You can have 19 candidates. Well, that doesn't prevent us from working that one out, and I don't think we would have that problem provincially. We would have to take it seriously, yes. That's all to the good. You'd have to get to know what people were and what they stood for.

MR. DEPUTY CHAIRMAN: Thank you very much, David.

MR. THOMAS: Thank you.

MR. DEPUTY CHAIRMAN: Has George Wusaty returned? Is he present? Has Dr. Karen Taylor-Browne come back again? She hasn't. Then the committee will invite Mrs. Sheila Chester for her presentation.

Welcome. Nice to see you this afternoon, Mrs. Chester.

MRS. CHESTER: Thank you. I have followed recent discussions about the Constitution and Quebec's demands with great interest and welcome the opportunity this committee presents for ordinary citizens like myself to give their views on the future of Canada.

To begin with I will state what I do not want. I do not want special status for Quebec, and I do not want the rest of the country to be broken up by massive decentralization, as proposed by Mulroney and the Allaire report.

To deal first with special status for Quebec. This would create a grossly unfair situation where the majority of Canadians, approximately 75 percent, were second-class citizens in their own country. Each province must have the same legal and constitutional status overall. The proposal contained in the Allaire report, a massive transfer of powers from the federal government to the provinces, would be disastrous. Canada would hardly be a country at all but just a collection of small, powerless provincial fiefdoms. Mulroney's incredible betrayal of our sovereignty through the free trade agreement would be followed by this second blow, and Canada as a country would be terribly weakened. Indeed, as I look at the Mulroney government's record, I wonder if their hidden agenda isn't simply the eventual destruction of Canada as a sovereign independent nation. Their strategy seems directed towards making us part of the U.S.A. in the following steps.

Step one: the economic dismemberment of the country through the free trade agreement and subsequent monetary policies of high interest rates and a high exchange rate. Entry into an agreement with Mexico can only accelerate the damage. Step two: the political dismemberment of the country through massive decentralization. Step three is the continuing destruction of all Canadian institutions: social programs, Via Rail, Air Canada, Petro-Canada, and the CBC. Privatization and deregulation are some of the tools being used to destroy our country. Becoming more "competitive" is the excuse used, but this is simply a euphemism for lowering the standard of living for the great majority of Canadians, thereby destroying the middle class. Step four: finally, when Canada has been reduced to a group of small powerless units, there would be a push to join the U.S.A. because the Americans would be largely in control of our country anyway. Thus we must utterly reject massive decentralization because of this dangerous cumulative effect.

Quebec's fears. I can understand Quebec's fears about losing their language and culture, a small French island in a great sea of English-speaking people. Their fears are probably analogous to my own as I contemplate being swamped by the American culture, but I think that weakening Canada as a nation is not the answer. Indeed, I think that a gradual slide into the U.S.A. would be even more disastrous for Quebec than for the rest of Canada. The Americans would make short shrift of French language aspirations.

3:10

[Ms Betkowski in the Chair]

The two options offered by Quebec. As I see it, Quebec is narrowing our options to a breakup in one form or another. We break up into two parts – separation – or we break up into possibly 10, possibly five parts: massive decentralization. Frankly, if I'm given only those two alternatives, I'd have to choose the former. If Quebec held a referendum and voted for separation, I'd have to say "Let them go," but I'd prefer them to stay. I think that "English" Canada – English is in quotes because that's just a way of describing the rest of Canada – could find a better alternative. However, we will not find that better alternative through the machinations of the Mulroney government. Their attitude to date has been: we alone know what's best for you; we will impose our ideas upon you and try to brainwash you into accepting them. That's closer to dictatorship than to democracy. We have to open the process still further to the people. The Spicer citizens' forum and the other constitutional hearings are a start, but we have to go still further.

A better option. I would like to see the election of a constitutional convention from all parts of the country. All political parties should send representatives, using nationwide proportional representation to decide the numbers from each party. However, the total number of political representatives should be outnumbered by citizens representing the various regions, academic constitutional experts, aboriginal people, other ethnic groups, various age groups, unions, small business, big business, and municipalities. Approximately half the delegates should be women. All the delegates should be elected by the people as a whole.

The timetable. The convention should try to work with reasonable speed, but they should not be restricted by Quebec's referendum deadline. This is too important an issue to be rushed.

Immediate steps for the Alberta government. I would like to see a provincewide referendum held in September asking the following questions. One, do you support Quebec's demands for massive decentralization as outlined in the Allaire report? Two, would you prefer to see regional fairness achieved by a triple E Senate? Three, do you support the concept of an elected constitutional convention? Four, if so how, should this convention be composed? Select one alternative: (a) only of politicians holding elected office, (b) only of delegates chosen by politicians holding elected office, (c) a mix of delegates representing all facets of Canadian life with a minority of politicians from all parties. Five, do you support the concept of a nationwide referendum upon the proposals put forward by this convention? This, I think, would give us a good basis to start from and would make sure that we hear from all Albertans.

The following is a suggested agenda for the convention. Section one would address increasing regional fairness. The first proposal would be a triple E Senate. As I have previously stated, massive decentralization can only weaken Canada as a sovereign independent nation. A far better alternative would be to give each province an equal voice in national decision-making. No province should have a blanket veto over all areas, but each province could select one area where they would have a veto. For Quebec that might be their language and culture. For Alberta it might be control over their resources and the taxation thereof. The Senate should be given sufficient power to ensure that provincial concerns are met.

The second proposal, enlargement of the Supreme Court. As the Supreme Court is becoming increasingly important, the number of judges should be increased to 12. The judges should be selected by the regional leaders for their general expertise and impartiality in the following proportions: Ontario, four judges; Quebec, three judges; the west, three judges; the maritimes, one judge; the north and aboriginal peoples, one judge. The Prime Minister would need to approve the selection.

The third proposal for increasing regional fairness would be regional representation on the board of the Bank of Canada.

The second part of the agenda, the second section, would address empowerment of the people. The first proposal would be primacy of the Charter of Rights. I think it should take precedence over all other instruments in all parts of the country. The second proposal would be an amending formula. All amendments to the Constitution should be made through a national referendum giving a two-thirds overall majority and a simple majority in at least seven provinces. The questions should be clearly worded and composed by an all-party committee. The third proposal for empowerment of the people would be recall by petition, and I think you're probably all familiar with that concept. The fourth proposal would be referendums. Nationwide referendums should be held on all constitutional changes, important changes in monetary policy, fundamental changes to our national institutions, and upon our immigration policy.

The next proposal would be reforms within political parties to ensure that all members of at least six months' standing would vote nationally to select the party leader and locally to select candidates. I'd suggest the formation of an impartial ethics commission to carefully monitor conflict of interest rules, lobbying activities, and political funding. The latter should be restricted to individual donations of $500 or less. Large corporations would not be allowed to make donations. At election time all parties should be given free equal time or space through the various media. This might be funded from a central fund overseen by the ethics commission or donated by the media.

My last proposal for empowerment of the people would be proportional representation. My preference would be the system proposed by Paul Fox. He suggested that voters continue to vote within existing constituencies. After the election the totals gained by each party would be calculated within the province. Then the proportion of the total vote gained by each party would be worked out and seats allotted according to the respective proportions. Within each party the members elected would be the candidates who received the highest proportion of the popular vote within their respective constituencies. In order to avoid a proliferation of small sectional or sectarian parties, gatekeeper provisions would be put in place.

The third section of the agenda for the convention would be actively strengthening national unity. The first proposal is establishing national standards. We should establish minimum standards for health, educational, and social services. They should also discuss ways in which these services can be supplied in the most efficient and cost-effective manner. The second proposal is elimination of internal barriers. Unjustifiable barriers to trade, employment, and mobility should be removed. The third proposal is strengthening national institutions. I believe all institutions which encourage communication within the country should be strengthened: the CBC, Via Rail, Air Canada and Canadian Airlines, the National Film Board, et cetera. We should encourage and create opportunities for citizen groups to meet and discuss concerns, as in the Spicer citizens' forum. It could become an annual event.

The next proposal would be bilingualism and multiculturalism. I believe that the emphasis should be placed on learning at least three languages in order to develop a global outlook. The present multicultural approach ghettoizes the various ethnic groups and works against national unity. Let's bring everyone into the mainstream; we're all Canadians.

The next proposal would be about immigration. I've mentioned this before but feel that it's sufficiently important to stress again. We should have a referendum on immigration policies with a variety of choices offered. Personally, I would like to see more emphasis placed upon a high level of education and the skills needed for a modern economy. I would also like to see a better balance between immigrants from Europe/Britain and those from the Third World.

The next proposal, the aboriginal issue. I think that greater unity would be fostered by an increased recognition of aboriginal rights. The First Nations should be represented at all decision-making levels.

The last section for the convention to discuss would be the environment. Oh, sorry; not quite the last. The convention should discuss ways of embracing the sustainable development approach espoused by the Brundtland commission of the United Nations.

3:20

The last section of the agenda for the convention would be the economy. My first proposal would be to scrap or renegotiate the free trade agreement. The present agreement favours the United States far more than Canada. We should examine it in depth. We should not enter an agreement with Mexico.

Proposal B, worker participation. We should follow the lead of Japan and Germany and increase worker participation in management. Increased productivity should be encouraged by profit sharing and co-operation, not fear and intimidation. There should be a smaller gap between the salaries of management and workers, as there is in Japan.

The next proposal, genuine tax reform. We need genuine tax reform, a graduated system with more tax paid by the wealthy and less by lower and middle income groups. No one should avoid paying tax except the very poorest people.

The next proposal would be consultation. There should be regular consultation between groups representing business, education, science and technology, unions, and government so that they understand each other's needs. Then the suggestions should be actively followed up.

The follow-up to the convention. When the delegates have finished their discussions, they should present their proposals to the people in a nationwide referendum.

In conclusion, I would like to express my outrage about the diminution of democracy under the Mulroney government. They are deliberately destroying our country, totally against the wishes of the vast majority of Canadians. We love our country and are very proud of it. We do not want to become Americans, fine neighbours though they usually are. I hope that our wishes will be respected and that out of all the turmoil will come a revitalized nation that will continue our great traditions of freedom, decency, and prosperity.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mrs. Chester. Are there any questions from the members of the committee?

Mr. Chivers.

MR. CHIVERS: Yes. Sheila, your pages aren't numbered, but on empowerment of the people you spoken of the primacy of the Charter of Rights. I just wanted to be clear there. Where you say that the Charter of Rights "should take precedence over all other instruments in all parts of the country," are you advocating removal of the notwithstanding clause?

MRS. CHESTER: I don't . . .

MR. CHIVERS: You know that the notwithstanding clause is the override that the provincial governments have.

MRS. CHESTER: Oh, yes. Right. If people would accept that, I guess I would. I don't know whether Quebec would accept that, but we could certainly try to persuade them to.

MR. CHIVERS: Also with respect to the Charter, I'm wondering if you feel that there are other rights. You mentioned environmental rights later on in your brief. I'm wondering if you think there are other types of rights that need to be added to or perhaps rights that should be subtracted from the Charter of Rights and Freedoms. I'm thinking in particular of access to information and freedom of information.

MRS. CHESTER: Yes, I would like to see that. I think that should be added, and I also think that we should have an amendment about freedom of speech more on the American model, where you can't be sued if you criticize somebody rich and powerful, as I believe has been the case in recent Canadian history. A magazine criticized certain people whom maybe I shouldn't mention, but they were sued, and I think the magazine almost went bankrupt with the legal fees. So I think we should have a more fairly worded constitutional amendment on that issue.

MR. CHIVERS: I understand. There is a balancing issue there with respect to equality before the law and equal access to the law.

In any event, I wanted to say that you've obviously done a lot of work. This is a very thorough brief.

MRS. CHESTER: I've put the whole country to rights.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Chumir.

MR. CHUMIR: Thank you. A very impressive brief. You've noted here at one stage "the Convention should discuss and establish minimum standards for health, education and social services."

MRS. CHESTER: Yes.

MR. CHUMIR: There is now a strong movement in some provinces, including Alberta, to take over exclusive jurisdiction with respect to these areas and eliminate any role for the federal government. Do you in your mind's eye envisage a continuing role for the federal government in establishing these minimum roles?

MRS. CHESTER: Yes, I do. I think we have to have a strong central government presence in establishing those things. I think without a strong central government presence we wouldn't really get them.

I would like to stress that I would like to see proportional representation tried or discussed in depth. I think this would solve a lot of problems. I think it would eliminate the sort of disparities between municipal and rural voters where the rural voters' vote is far more powerful than the city's vote; also, I think it would solve a lot of problems. I would really like to see that discussed and tried.

MR. CHUMIR: You've also referred to the possibility of Quebec leaving and that you'd prefer to see them leave rather than strongly decentralize.

MRS. CHESTER: Yes.

MR. CHUMIR: I think we've heard that view expressed by a number of people, and I'm just wondering. The thing that's troubling me is what vision we might have of a nation after Quebec is eliminated, taken out of that very crucial spot between Ontario and the maritimes. Then we'd have one province which has over half of the population, over half of the economic power. Would that be a viable entity? Could we do something workable?

MRS. CHESTER: I don't think it would happen, actually. I think if we had a discussion, a convention that really discussed ways of meeting Quebec's demands and soothing their fears, I don't think they would want to leave. I think we should bargain quite strongly. I mean, I don't think we should just say, "Well, we'll have you at any price." I think we should say, "If you go, you'll have to take your share of the debt, and you'll maybe have to reconsider boundaries, and we'll probably not be giving you any more money, not transferring any more money." Don't do it in a threatening way but just make it far more advantageous for them to stay within Canada, within a reformed Canada. I think some of these things could be used to meet their concerns.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much for your presentation.

I would now like to invite Mr. M.J. Labrie to make his presentation. Welcome, sir.

MR. LABRIE: Members of the Legislative Assembly, I would like to thank this committee on how a changed Constitution would best fit Alberta for this opportunity to submit our understandings of what is necessary. I say "our" because I represent the Jesus, Mary and St. Anne Abortion Atonement Society, which was set up to make atonement for the greatest immorality that we have permissibly allowed to gain respectability and legality, that is degenerating our society at large into a society of violence. This is also an understanding that developed from meetings with others during the meetings for Spicer commission submissions. Our understanding is that Canada is becoming a strange country to its older, unsheltered defenders: a country of high costs, incentive-stifling taxation, and a steadily growing conviction of the valuelessness of life and violence, violence in the junior high schools, in the LRT stations, on the parking lots, in the family, on the playgrounds, and then suicide too.

3:30

One statistic that has not been compiled yet by Statistics Canada is the high cost to government of all aspects of immorality, from disrespect for God the Creator and His justice through disrespect for life to disrespect for a fellow man's property and marriage rights over a spouse. Every added policeman, surveillance system, closed circuit television, watchman, and audit adds debt/cost load to our young people, who should be going ahead with free enterprise projects for the support of their families, but the tax load destroys incentive.

We are convinced that a government, to be respected by its people and helped by holy providence, must not bribe, encourage, or condone immorality of any sort and especially those that foster a disrespect for human life. The first priority for the new federal Constitution to bring the respect of people and provinces is for them to place the unborn under the Charter of Rights from conception: the most basic human right, the right to life. This, then, would not allow for any reason and at any stage of gestation a direct attack on the life of the unborn. An operation on the mother to save her life, with the loss of the child an indirect result, is then only acceptable. Violence to the unborn has now permeated our society, and daily reported violence is to be expected with no one knowing who will be next. This was brought home very clearly to a mother very much against abortion when her son, about six to eight years old, one day walking outside picked up a dandelion and flicked the top of the yellow flower off and said, "Pop off the baby's head." From everywhere one gets the idea that life is cheap and death can be entertainment.

Another immorality that is destroying our country and our position with holy providence by our condoning it is homosexuality. No matter what inclination we may have, sex must be reserved for marriage, and children must not be prevented except by cyclic abstinence, during which time more concupiscence can be sublimated to affection and creativity. To have just laws against a perverted way of life is necessary to combat the spread of AIDS and the diseases of the venereal life and their impossible cost to our health care plans and systems. Therefore, this life-style must not be condoned, rationalized to the young, or given any acceptance in education. We should maintain the attitude of our just God towards this filthy practice, which He has shown for all time by His punishment of Sodom and Gomorrah, His pre-Christ words in Leviticus that they should be put to death – but since the advent of His son to earth they may obtain mercy, and the full severity of justice need not be exercised – and by His admonitions through St. Paul that they shall not gain the Kingdom of God in eternity. That's in 1 Corinthians.

Now pornography. This is a thing that we are inundated with daily by our media, magazines, papers, shows: sexually explicit or covert material that keeps sexual stimulation grinding at our youth at a time of new and budding potential, when they should be reserving themselves for a beautiful, romantic marriage while sublimating their sex drives into the higher realms of affectionate love and creativity. All sexually stimulating literature and entertainment should be ruled against by law, educators, and all responsible adults.

The impact of prostitution on society is to degenerate it in the individual's feelings of worth, in family stability, in the healthiness of people, in the cost of health care, and in the level of health care possible. Prostitution should be shown in the schools to be the ugly thing that it is. This is showing up on the news every once in a while when they get murdered for their "art." If you listen carefully to a user of these prostitutes, you will hear how he hated that woman in the morning. Now, this is just so common. I'm an unmarried man, and I sort of act like a listening ear to many people, and that's what I hear. A good society is based on affectionate love, not hate. If it is to be allowed at all, prostitution should be taxed via a licence showing freedom from their impossible diseases and a tax to pay for their surveillance and to pay for the expensive health care of these people in the second half of their lives. We think this should be a federal matter to keep the policy equal from province to province, with health care grants being based on how the spread of those diseases is controlled by province.

Rock music involvement has meant the downfall of so many youths into the drug and satanic cults that we think it should be discouraged, to say the least, at customs, in public facilities, parks, et cetera. High taxes for their bizarre operations, at least to pay for the damaged youth and to help pay for the damage the youth indulge in after their sessions, should be considered.

Someone is proposing that marijuana be legalized on the federal level because it would help AIDS patients. This must not be done. This would only depreciate the quality of Canada and Canadians to a new low of selfish sloth. How could Alberta feel good about such a Canada?

A remedy must be found for our native people's problems, which are festering in our country. We are sure that these problems can be solved only by the grace of God, obtained only by making atonement through the system prescribed by the saints and the seers and our resolution to go back to honouring Him and His commandments.

This is the area of our specialized study. These problems, along with Quebec's separatism and Newfoundland's non co-operativeness at a time when accord seemed so possible, are all a part of a worldwide problem and prophesy of a time of nation against nation, reign against reign, and are caused by our world and Canadians having gone to a complete disinterest in what their Creator and Saviour God has done for them and wants of them as their Creator. They prefer to believe that the huge intellectual construction of laws and energy that makes up our universe and beyond, the cosmos, in the way of inert and living matter could have come together with cells stacking regularly according to their kind without superior intellectual guidance or plan and purpose. Therefore, they put away the thought of the direction in which their lives are developing.

If we put aside all thought of responsibility to co-operate with our Creator, we will be putting aside all thought of co-operating with our neighbours of different race, colour, creed, culture, et cetera despite all laws, and finally between similars, until co-operation between parents and between parents and children will be impossible. This spirit of co-operation is made up of the virtues of love, formerly called charity to distinguish it from romantic or other loves, which our God gladly gives to those who are sorry and atone for their sins and ask for grace – divine help is another word for it – to develop the virtues. This is a very strange word these days, and the news reflects that neglect of the virtues. We must not go into complete contravention of His superior rules and commandments in the way of condoning, legalizing, rationalizing, and paying for the advancement of the grossest and ugliest sins – abominations, He calls them – ignoring His beautiful rules and thinking we will be able to live in harmony and blessings.

We understand that four abominations have developed loudly and clearly in our world that thinks itself so advanced, and these are abortion, homosexuality, child abuse, and satanism. But the killing of the innocent unborn heads the list. Until our permissiveness in these matters that He has shown to injure Him most by the words of the Bible or the writings of His elect or saints ceases, we will have no help with our problems of harmony among nations and ethnic groups.

A new Constitution should rule against all support for groups and literature that break down the stability of marriage and family life such as the paper called Perspective, which was delivered to our doors recently and supported by the federal government and which was truly obscene in its disregard for any morality and forced upon every household with or without youth, and they always have a natural curiosity. All feminist propaganda sets women against men and morals, and we think we should insist that the federal government never support that type of propaganda at all.

That is the end of my submission. Thank you for listening thus far.

3:40

MADAM ACTING DEPUTY CHAIRMAN: Thank you.
Are there any questions?

UNIDENTIFIED SPEAKER: Do you have extra copies?

MR. LABRIE: Yes, I should pass them around all right.

MADAM ACTING DEPUTY CHAIRMAN: Members of the committee, do you have any questions?
Thank you, Mr. Labrie, for sharing your views with us.

MR. LABRIE: Will I go, then, or do you want to question me at all?

MADAM ACTING DEPUTY CHAIRMAN: No, I don't think the members of the committee have any questions for you, sir. Thank you very much.
The next presenter is Mr. Lee Gray. Welcome.

MR. GRAY: First of all, I'd like to thank the committee for allowing me to voice my opinions here, and my presentation is perhaps going to be from a little broader viewpoint than from what we've heard from some of our prior presenters. However, the committee might find some of my comments useful.

Why are we here today? The main reason is change. We are in a very rapidly changing world, and it's been very difficult for us as human beings to adapt to that change. Our Constitution is one example. We require a new Canadian Constitution. It doesn't need to be warmed over or fine-tuned. I think it would cost us much less in time and money if we were to form a new Constitution. The present is worn out for today's world. It's not easy to amend, it's very fuzzy in too many important areas, it's not recognized by Quebec, it's extremely costly to maintain, and it's legally awkward. I understand we already have over 200 constitutional lawyers. There's nothing wrong with constitutional lawyers. Perhaps we need 500; I don't really know. There's an extremely slow legal response to the required adjustments. Lawyers make more money if the thing is spread out over a longer period of time, and I would like to see us shorten up the time from now until we can get a better Constitution which all Canadians will be more comfortable with.

The man before me pointed out some of the changes that we see. The ones that I see are examples. The very institution of marriage may evaporate within the next 25 years, the next generation. The family concept is rapidly changing.

The shine may change, and by that I mean from rights to personal responsibilities. This is an area that we have not been able to bring under control. There is not a proper balance between rights and responsibilities. I think human rights deserve the highest place. I think they have been. However, let me say this: I think we've been given rights, and at the same time as Canadians we have not really shown our responsibilities to the country that we love. I could give you many examples. One of them is the national debt. Many animals show more respect for their offspring than we have in this area. Our national debt skyrockets. I doubt very much if I will pay much of that national debt; I'm too old. We're going to pass that on to our children and our grandchildren. This is unfair. We have not planned ahead for them. We haven't done it deliberately, perhaps; nonetheless, we've done it because of inefficient government.

Now, I'd like to get down to really the crux of my talk, and that has to do with the inefficiency of government. So far we've listened to people who have given us many good ideas. They've been very detailed in many cases. I'm not equipped to give you the details of what our Constitution should have; however, later on in my talk I'll mention a few ways that might overcome that. But we must have more responsibility in relationship to the rights we have.

Our present Constitution seems to hold up progress in all areas. It's very costly economically. It's frustrating from the social aspect. Some people take advantage of it: some politicians; some within the legal fraternity; others, perhaps corporate, who require delay tactics. It requires too many amendments. Human rights is a good example. I think we could fold all the human rights into a new Constitution and have essentially the same thing, perhaps much better. It will provide a fundamental understanding between people. Our laws are becoming much too complex, perhaps partly because we're in a rapidly changing world. As an example of that, the average law going through the present United States Congress has 17 pages, where I think it had seven pages 10 years ago.

One of the things I think would be beneficial: I would like to share something with government temporarily. I'm proposing that we formulate a group to aid and assist you indirectly. Your credibility is low, if not downright horrible. Perhaps it's not all your fault. I would say it's not your fault. Perhaps it's our fault as the voters for not correcting it before now. However, your credibility is nonetheless very low. I'd like to share some of the responsibility on a temporary basis and perhaps speed up the process of getting us a new Constitution. I would like to see the United States Constitution used as a model only as a starting place. If we have better things in our present Constitution, we'll leave them.

I'd like to make a few other comments in that area. Modern Germany has a good government. I'm suggesting right now that we incorporate in the new Constitution the better things of other governments. We're not Japanese, and we don't want to be Japanese; we're Canadian. We're not Americans, and we don't want to be Americans; we want to be Canadians. However, there's no reason why we can't incorporate some of the better things of their governments. In Germany a lot of the federal laws are administered by the states or provinces, and it seems to work quite efficiently. In Japan they have many things that we could use. Perhaps one of the biggest and best is the relationship between industry and government. It works very smoothly, to our disadvantage. Their educational system is fantastic, the best in the world. Their children go to school at an earlier age. They respect the Japanese government far more than our children respect our government and our people. The educational system is tied with the feeling the people have for their government.

3:50

I would like to see the Canadian flag flown in every schoolroom. I would like to see our children in grade school sing *O Canada* every day. If our women are too busy or have to go to work, I would like to see some of the normal family responsibilities transferred to the early school. What I've been talking about is to be taught respect for their government, but not only for their government: for other people.

Sweden has some good things that we should maybe use. A friend of mine tells me that our confidentiality law protecting politicians is abused at times. In Sweden at the end of the year they apparently publish everything they have that might be in conflict. I think there are a few areas, perhaps in defence, where that is necessary. But my understanding is that it is abused both here and in the United States.

Switzerland has a very fine government, but one of the most remarkable things about their government is their ability to take people who have several different languages and incorporate them into a very smoothly functioning government. In Switzerland the young men also serve some time in a national military organization. They've got a fantastic thing there. They learn more responsibility toward their government. They have bicycle units. I understand that the whole system is such that they can mobilize in a very short time all these troops who are available in case Switzerland should need it.

I guess maybe I'm reiterating a wee bit, but one of the main things is that any new Constitution we have must be simple to amend; nonetheless, it must meet all our requirements. The reason it must be simple to amend is because we're living in such a fast-changing world. It's extremely difficult for us to keep pace with it. I'm not suggesting that any one person or any one government is responsible for it being difficult to accommodate, because it is. Unfortunately, things are going to go at a much faster pace in the future. Right today, for example, I wouldn't doubt that Mitsubishi sitting over there in Japan is planning to put in a new automobile plant in Nogales as soon as the Americans approve free trade with Mexico. However, as you know, the Mexicans have a new government. They're mostly Ivy Leaguers, educated in the United States. President Bush has a daughter-in-law who is Mexican. He's an extremely excellent salesman, and I'll guarantee you that that's one of the reasons that he's moved it up to the top of the agenda. I don't know whether a national trade bloc would be good or bad. I'm very leery of it. I would hate to see Canada jump into it. Perhaps the best thing we have about the present free trade Act with the United States is that it happens to have a clause in it that we can get out of it in six months.

We should concentrate more on future economic well-being. As far as the division of powers, and I believe we're getting down to the heart of the question that you committee members have to cope with, I believe the powers should be directly allocated to where they're most efficient, with one or two minor exceptions. In other words, if the laws are more efficiently – and I'd like to underline that word "efficiently" – administered by a federal government, that's where I think it should land. Now, one of the minor exceptions – or maybe it's not minor; perhaps it's major – is the resources we have, which have been previously allocated to us. I think we should retain them. I think our environmental issues are more local. Perhaps they should be provincial.

You've asked other people about our aboriginal problems. These are real problems. One of the things I would like to see is the aboriginal people meshed into our society as rapidly as possible. I cannot conceive a hundred years from now – or if you want to be ridiculous, a thousand years from now – society saying: "Whoa, that guy's different. Two thousand years ago some people walked into his land and took it over." I think these people should be encouraged to be meshed into our society as rapidly as possible. I think the lands and the land claims they have should be recognized. If their land is, say, open Crown land and somebody wants to build a dam and the environmentalists have approved it, then I think the Indians should receive proper remuneration just as if some corporation had owned that land. In the case of Indian reserves I think the reserve should be treated as if it's already a corporation. If the Indians want to farm out any portion of it for any reason whatsoever, they should be remunerated just in the same fashion that other people would.

Now, one thing that I would like to emphasize: I would like to see Indians become normal citizens at a much faster rate. I would like to see them educated. I would like to see them want to be Canadians the same way we are, and I would like to see special funds put up at least for a temporary period so that these people can be educated. However, I think in receiving certain remuneration for the use of their Crown lands, those funds could also be allocated. I would not like to see special schools if we could avoid it. I would like to see them go to the University of Calgary rather than an Indian university. I'm sure I don't have all the answers to the aboriginal problem; anyway, those are a few.

Getting back to my main thing, I said I would like to share something with you. I'm suggesting we form a committee to temporarily work independently of present government. But when I say "independently," I don't mean that there would be no discourse. I would like to see a committee of independent citizens draft a new Constitution. I'd like to see that committee utilize all the things available to us here in Canada: StatsCan, whatever. I'd like to see them utilize surveys of how people feel. I'd like to see some discourse between that committee and present government people. I would like to see a new Constitution drafted, incorporating the best things of our present government and the best things of others. When they're through, I would like it presented to the governments in power for their enactment into legislation. I would like to see as little change as possible, and I'd like to see it as expedient as possible. I would like to see it presented to the opposition parties. I think and I feel that if we did a good job, or if they did a good job, it would hasten this constitutional crisis that Canada appears to be undergoing at the moment.

That concludes my presentation. If you have any questions, fire away.

4:00

MR. CHIVERS: Madam Chairman, I just wanted to say to Mr. Gray that he anticipated my questions. I thank him for taking the time and trouble to put together his brief and to present it to us this afternoon.

MR. CHUMIR: I think your position's been very clear, Lee, but perhaps since invited . . . I've been asking those that have appeared before this panel to give us their comments on the fundamental philosophical battle that's raging now as between a centralized versus a decentralized Canada. Of course, there are no absolutes in either direction, but where do you stand in terms of whether or not the provinces should be taking over jurisdiction with respect to medicare and social services as opposed to a federal role?

MR. GRAY: Well, reiterating my previous statement, I feel like the power – and I don't like to use that word too much, but I guess that's what it is – should be relative to the efficiency. I believe we need a Senate, an elected Senate. I would use the United States' one as a model, not that it's the best in the world, but that's where I would start from. I'm not convinced we need a more powerful central government, nor on the other hand am I convinced that we need a more powerful provincial government. I think we need less government. I would like to see Petro-Canada sold.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Gray.

Ladies and gentlemen, that ends the formal presentations that were scheduled today. The committee has one hour before the 5 o'clock breakup, and we would invite brief comments from the floor if anyone would wish to make them. I'll just make one caveat. There were three people here last evening who I think did not get a chance to make brief comments from the floor. If it's all right with the committee, perhaps we could ask those three to come in order and present their brief comments, and then we'll open the floor for any further comments. We're actually right on time.

The first – oh, excuse me. I do have a list. Mr. Laatsch – is that right? – then Mr. Grizans, and then Mr. Blanchard. Then we'll open to the floor. Again I would ask you to be as brief as possible.

UNIDENTIFIED SPEAKER: Would there be an occasion next week, two weeks from now, where people who wish to speak for a quarter of an hour, half an hour . . .

MADAM ACTING DEPUTY CHAIRMAN: Sir, the committee is coming back next week. Some of those time slots have already been filled, but if you wish to make a formal presentation, please let one of the people at the front know.

Yes, sir.

MR. LAATSCH: Yes. My name is Keith Laatsch. I'm a Calgarian, a senior citizen, and all the rest that goes with it. I'll be very brief. I think I can do this in less than 10 minutes.

The aftermath of the Meech Lake debacle has precipitated numerous government committees, debates, and public discussions with respect to Canada's constitutional crisis. Never as a people have we been so divided and dissatisfied with the current state of affairs. Before we can resolve this dilemma, we must first understand why we need a Constitution, what its function should be, and then how it should be drafted and put in place. Very few people have any comprehension in this respect. Consequently, this intellectual vacuum has been filled by some government officials and their elite advisors, who have then taken it upon themselves to inform the public what they think is best. Probably the Alberta committee has made the most effort to have public involvement and should be commended.

Over 200 years ago Thomas Paine, the American pamphleteer, when writing his dissertation on the rights of man prior to the drafting of the Constitution there, stated that a Constitution is not an act of government but of a people constituting a government. In other words, a Constitution is not a law of government but a law to government. Canada's constitutional efforts so far have been the exact opposite. This is why ours has never really worked and will never work until we the people draw up a Constitution we can call our own and be proud to live under.

Why do we need a Constitution? A government, in order to function properly, must have a monopoly on the use of retaliatory force. It is very easy for unscrupulous and power-hungry officials to abuse this monopoly if not controlled. A properly drafted Constitution serves to control government's use of power and is absolutely essential if we are to remain free. Further, a Constitution must also be a charter that recognizes and protects the individual's basic and inalienable rights that belong to everyone by virtue of their human nature. Rights should not be confused with privileges granted by government, as so prevalent in our current Charter of Rights. Finally, a Constitution should specifically define the divisions of power and responsibilities of the various levels of government. The basic principle underlying a proper Constitution, as I see it, should be: a private citizen may do anything except what is forbidden, whereas government can do nothing except what is permitted. Think that over.

If the above reasons for having a Constitution are valid, it follows that the proper method of drafting the document or any amendment thereto is to call a convention of dedicated private citizens selected for their integrity, knowledge, and statesmanship. We've had very little of the latter in the past few years. They would represent regions or provinces equally, and I'm not prepared to say how this would be done at this point. Under no circumstances – and here I'm going to get in trouble – should any current government official or bureaucrat be involved except perhaps to chair the meetings and observe. Remember, a Constitution should be a law to government from the people. They are supposed to be our servants, and government participation would therefore be a blatant conflict of interest.

An acceptable Constitution cannot be drafted overnight à la Meech Lake. It took the Americans over 10 years and was not perfect. Issues which must be addressed – and these are just a few – include property rights, the division of political powers and responsibilities, Senate reform, taxation policies, provision for referenda and recalls, fiscal responsibilities and limitations, the justice system, and national defence, just for starters. Above all, we must have an inspiring document of plain, everyday language which can be understood without the need for legal consultation. We could then start to rebuild this wonderful land into a new Canada where hyphenated Canadians cease to exist and where our native people are given proper recognition and justice. Finally, once the Constitution is drafted to the satisfaction of the convention, it must be submitted to a general referendum for ratification on a 50, 7 formula in order to become the law of the land.

Such a comprehensive reform presents a formidable task requiring statesmanship of the highest order. We should not be averse to using the best features of other countries' efforts – and

I agree with the last speaker – that have stood the test of time. Switzerland, Australia, the United States, and Iceland come to mind.

A Constitution is the very foundation on which a nation stands. It is therefore essential we take all the time and effort needed to make it right. We can get by for as long as necessary with what we have put up with for 124 years. Make no mistake: there is no shortcut for a Constitution which will make us proud to be Canadians. A completely new Constitution is the only way we can secure our freedom to purchase life, liberty, and happiness. It is the only way to establish a new Canadian government of the people, by the people, and for the people.

Thank you very much.

4:10

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Laatsch.

Mr. Grizans, I think, is here. Welcome.

MR. GRIZANS: Thank you. I'll try and read through this as fast as I can.

UNIDENTIFIED SPEAKER: Do you have extra copies?

MR. GRIZANS: No, I don't.

UNIDENTIFIED SPEAKER: What's the name?

MADAM ACTING DEPUTY CHAIRMAN: Mr. Grizans. Is that right?

MR. GRIZANS: Yup, Grizans. G-r-i-z-a-n-s.

What I have to say is so simple that many of you will not grasp the implications at first. At the same time, it is so truthful that others will find the message unbelievable. But man has a right to the truth even if it is as hard as granite, for a human world can only be built, develop, and endure on a foundation of truth.

That truth, my friends, as far as the world today is concerned, is that the entire monetary system must be eliminated. A more tolerable society will never be maintained indefinitely as long as people insist on holding so dear the concepts of power and money, votes and dollars maintained through the monetary system. Certainly the pinnacle of man's existence, desiring neither power nor money, will never be reached by merely construing various means of sharing power and money more equitably. As for the governmental and economic systems through which those concepts are represented, it matters not what ideology is involved because the system is more important than a human being.

However, the absolute reality of this truth involves much more than the citizens of this world not being accorded the highest priority. To put it bluntly, sacrificing our fellow human beings for the sake of dollars and votes is genocide. Effects similar to those of genocide have gone unabated over the decades only because various terms and phrases are used to describe these genocidal deaths in such a way that the perception of governments as the real guardians of human value and worth is protected. This in turn prevents people in general from making the connection between these deaths and the monetary system itself. Such genocide by negligence stands in relation to genocide as defined under the United Nations Universal Declaration of Human Rights sensu proprio as manslaughter does to murder. In other words, the monetary system should be viewed as a form of second-degree genocide because of its causing massive, incidental deaths.

Now, it would not come as a surprise if those concerned were having difficulty coming to terms with the notion of genocide being committed through the monetary system. Genocide in this instance is the death, or more appropriately the sacrifice, of any human being because of a question or matter of dollars and/or votes. This situation can be better illustrated through examples such as the following: the suicide protests in Lithuania at the time of the Soviet Union's economic blockade. A suicide note left by one victim indicated "he could not live any longer under the Soviet Union's economic blockade and military occupation." That was from a *Globe and Mail* article on April 28, 1990. From the *Calgary Herald*, June 14, 1990: Deaths from self-induced abortions as a result of abortion legislation, in particular the past-rejected Bill C-43. From the *Herald*, December 19, 1990: "People are being killed for their mink coats, sheepskins and embossed leather jackets." The Dressed to Die killings, as they were termed, are just part of the crime scene.

As mentioned previously, terms such as suicide, crime, et cetera, are all used to describe these genocidal deaths, which prevents them, almost conspiratorially, from being connected to the monetary system itself. But I am not alone in making this connection. It is becoming a more common occurrence for individuals and groups to describe certain situations as practised through economic and governmental systems as genocide, as indicated by the following from the *Globe and Mail*, September 22, 1990:

> In the opinion of one South American author, [Eduardo Galeano], capitalism and Christianity have systematically wiped out these people who live collectively and dare to dream.

By the genocide that he says has been practised against his indigenous people, from Tierra del Fuego to the Arctic, he is referring to the normal capitalistic practice of turning the Indians of the Americas off their lands and handing it over to various companies to exploit for the oil and minerals.

From the *Herald*, October 30, 1990. His Royal Highness the Prince of Wales termed the assault by international timber companies and the Malaysian government a dreadful pattern of collective genocide. He was referring to the rainforests of Sarawak, the Malaysian province located on the southeast Asian island of Borneo and home to the Punan, a nomadic people.

From the *Herald*, January 30, 1991. Members of Act Up claim the B.C. government isn't doing enough to help AIDS sufferers: we charge you with genocide. This protest was directed at Premier Bill Vander Zalm when he arrived at a TV station for his speech.

While a lot has been said and written about money and the problems society faces as a result of it, and nothing can be graver than the genocidal aspect, Martin Amis, a British writer, sums it up rather well: The money age we're living through now is a short-term, futureless kind of prosperity that will last as long as there are public institutions to sell off and as long as North Sea oil lasts. But it's really a live now, pay later thing. Money is a more democratic medium than blood, but money is a cultural banner. You can feel the whole of society deteriorating around you because of that. Civility, civilization is falling apart. End of quote. Martin was talking about former British Prime Minister Margaret Thatcher's economic policies in that country.

Now, to correct this situation, society must first lose its illusions about the alleged ability of governments to put an end to this injustice without itself, government, disappearing. We must change our conditions of existence which allow our fellow human beings to be sacrificed for nothing, and we can only do that by overthrowing the established order. John F. Kennedy, in a famous phrase, said, "Those who make peaceful revolution impossible will make violent revolution inevitable."

Well, the applecart has already been upset. In other words, the violence, bombings, and killings that are now an everyday occurrence in some parts of the world are threatening to become a worldwide phenomenon. The only reason the current violence, et cetera, is so sporadic and concentrated is because an actual revolution has not yet materialized, but once more and more people start to realize that the collapse of the entire monetary system is inevitable, that so-called revolution is going to become unstoppable. However, there is no reason the dismantling of the monetary system cannot be the result of a relatively peaceful transition instead of a dreadful revolution. Generally speaking, people are wonderful, and most still have some compassion. I mean, a lot of people, deep down, know that our economies and governments are unjust, but they think there's nothing they can do about it. They're too busy trying to fend for themselves. At the same time, it seems to me that concepts such as individualism, self-determination, equality, and justice have been twisted around so much because of our economic and governmental policies that the notion of humanity itself isn't recognizable anymore.

Thus all I'm trying to do is get people to re-examine the ways we think about dollars and votes by bringing their attention to a unique way of symbolizing the immorality of the monetary system itself, as in my image portraying the genocidal deaths. By trying to relate ideas to people that they wouldn't normally think of, hopefully they will wise up and start thinking about the monetary system from a different perspective, in relation to mankind's existence. That is necessary if we are to avert what will amount to a worldwide massacre.

It is also my contention that the major obstacle to resolving our economic and governmental problems is certain people not being able to comprehend a world without such problems. In other words, such a world would simply be much too boring for their liking. Boring in this sense is people fearing not being able to exert power over anyone but themselves through the control and privileges that monetary policies impose. The desire for power and money, and through those the desire to be eminent, to be admired, only brings out the basest side of human beings, and those in authority, economically and governmentally speaking, have always been, are now, and always will be the most despicable of human beings. So I certainly wouldn't miss any of those types of people if they care not to be around to experience life when the human being is finally accorded the highest priority in the entire world.

4:20

Let me be perfectly clear on one thing. I am in no way advocating an armed revolution. Justice, my friends, will be served in this instance when the elitists of this world are reduced to common folk status. In other words, no one person will be able to tell others what their lives will entail just because that one person received the votes which makes him/her Prime Minister or whatever. There's only one thing you have to do with human life that will reduce the elitist status, and that's respect it. Respect for our fellow human beings presupposes the abolition of not only social classes and capitalism but of the monetary system itself. I absolutely believe in the naked operation of human passion, so my message about eliminating the monetary system and thereby our economies and governments will no doubt be associated by the naive as advocating anarchy, but if those same people could be bothered to take off their blinders, they would soon discover that we are already living it.

People everywhere are in reality doing as they damn well please. So how much longer are you all willing to tolerate a minority of the world's citizens, the elitists, being able to really live while the majority of us merely survive? You may wonder how decisions will be made if our parliaments, national assemblies, et cetera, and along with them our politicians are rendered meaningless. Well, it is not hard to fathom once you accept the reality that governments do not exist for our well-being. This stems from the fact that almost all of the world's so-called major issues can be directly attributed to dollars and cents. In other words, there is really nothing to consider or debate once the bottom line is removed.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Grizans, I'm going to ask you to come quickly to a close. There are a lot of other people . . .

MR. GRIZANS: Okay. I'm just winding it down here.

MADAM ACTING DEPUTY CHAIRMAN: Thank you.

MR. GRIZANS: Thank you for your patience.

As far as the notion of anarchy is concerned, or expanding on that, it would appear that the process of change already taking place throughout the world has gathered a momentum of its own. For years it has had less to do with the initiative of governments than with the choices made by ordinary people. Eastern Europe and the Soviet Union in particular, along with South Africa, are proof of this. Change will continue to take place because people will continue making changes that don't depend on governments. One by one, people will continue to ignore, defy, and overwhelm the laws that were intended to confine them, and then they will become free.

This fact is also pointed out by the Saskatchewan division of the Canadian Red Cross in a document entitled, Can We Still Take Care of Each Other: A Study of Socio Health Needs in Saskatchewan. It didn't ask people about taxes or Meech Lake or Quebec or free trade. Instead, it asked them how their lives were unfolding. On top of it all was the constantly expressed feeling that there's no daylight at the end of the tunnel, that people don't see evidence of any of these problems – economic insecurity, environment, unemployment, teenage suicide, future care of the elderly, et cetera – getting better, and that governments and politicians are neither helping nor even particularly relevant to the situation.

William Gold's diary, *Calgary Herald*, August 3; I quote. Call it the postparliamentary era; more and more the ordinary people are withdrawing into their own communities and their own lives. There is less and less time and desire to spend in contemplation of national or even provincial affairs. To Canadians considering themselves to be led by the federal Parliament or the provincial Legislature, I don't think so. They regard both places as remote and inconsequential, utterly intangible to the lives of people who go out and make a buck every day.

I do not want to prove myself right by quoting various individuals but to really live. That is why the purpose of my ideal and my action is not to be just another witness whining about the system but, together with all Canadians, to make a world that is more hospitable for us all. The important thing is to overcome everything that oppresses us, to overcome the system that is sacrificing our fellow human beings. Humanity, like everything else that is natural, can find within itself the selfregulators necessary to its survival and progress without a small group of elitists overseeing all aspects of our lives in order to protect our own selfish interests through the concepts of dollars and votes.

It is a matter of governing ourselves directly without going through the intermediary of a government detached from the conditions of everyday lives. Are we going to resign ourselves in practice all our lives to our miserable existences, sounding off about the evils of the system in our spare time? If we are to free ourselves from the slavery in which we are trapped by the monetary system, we must first cease to be slaves to our fears, our cowardices, our hesitations, et cetera. Our liberation is essentially a practical problem, and it is by practice, the action recommended, that it will be resolved. The policy of the elitists is to pretend that capitalist society is in perpetual revolution – i.e, Gorbachev's glasnost and perestroika – and is capable of resolving all the contradictions and problems raised by contemporary scientists and thinkers.

I quote Peter Worthington from the *Calgary Sun*, May 10. Evidence indicates that all governments, no matter the party, want citizens to be subservient and dependent. Politicians fear nothing so much as individuality and a spirit of independence among the people. Governments relish a nation on welfare, like natives, and therefore beholden, obligated, docile.

The action that I'm recommending is just taking the step that various people are now taking throughout this country one step further. I'm talking about things like people in southern Ontario withholding their property taxes, businesses refusing to collect the GST, consumers unwilling to pay the GST, those sorts of things. Taking that one step further, I recommend that all Canadians stop paying for anything and that they do not accept payment for any service provided.

Thank you very much.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Grizans.

Mr. Blanchard, would you like to speak? How do you do. Welcome.

MR. BLANCHARD: I saw Jacques Parizeau on TV last night, so I decided perhaps it was time to come.

What I'd like to talk about is the two solitudes. I have a little experience in that. My mother was British and my father was French Canadian. I was raised in Winnipeg, a melting pot, with St. Boniface on one side and an English community on the other side. My mother and my father got into arguments because of my father's friends. He would go to their club; they wouldn't speak English, and she couldn't understand. They finally solved the problem by moving to Alberta, and then they all had to find a new set of friends. So I think I have a feeling for what's going on in the country. I have relatives in Quebec. I talk to them.

I'm politically active, which gives me some sort of an insight. What's happening in this country is not really necessary. The best political advice I've ever heard on the problem, and it was ridiculed at the time, was John Diefenbaker back in the '50s. John Diefenbaker said that if you want this problem to go away, let's not talk about it. I think we're talking ourselves out of a country right now.

I remember coming home one day from French school; I was bilingual. There was a competition between my grandparents and my mother as to which language I would speak first, French or English. I became bilingual. I learned both languages simultaneously because of it. I was getting pretty nervous, and the doctor said, "Quit making the kid translate." This is a problem right now.

Many people have tried to gain political influence by backing a cause or by infuriating people. I really believe we're in a good country. I believe we've had a big shopping list here today. Perhaps we should have accepted Meech Lake. Meech Lake would have simplified things an awful lot, but it seems right now that we're into full-blown Constitution revision. I believe that perhaps that's not the right way to go. Perhaps we should have a shorter shopping list. I think if we could solve this problem . . . It's my country, and I would dearly like to keep it together.

As children being raised in a family like that, the kids really wanted to keep that family together too, and in order to keep that family together, we never brought up a racial question. I came home one day from school. I'd learned about Evangeline; I'd learned about the dispossession of the Acadians. I told my mother that. Of course, she burst into tears and said, "Jesus, how am I going to live in a French home?" That was the last time we brought that one up. Later my father told me that I was of Acadian stock, that our family was dispossessed to the United States and that we worked our way back to the Quebec area.

4:30

I think that we have to as politicians . . . What I'm exhorting you to do, Bob – I know you, and I know you, Nancy – I would like to see Alberta go united, all political parties. I would like to see if in Alberta we could work out an accommodation, have less trouble, go with a united front, because I think Alberta has the opportunity of becoming one of the provinces or the province that can lead in this thing. From my experience as we moved from Winnipeg, the further we went away from the problem, perhaps the better chance we had of resolving the problem. When the problem is close, there's less chance of resolving it, and I think Alberta's probably positioned in a good place. In Manitoba a lot of the problems between the races went around the separate school system. In Manitoba the French kids had to pay their own school tuition. When we came to Alberta, we thought it was wonderful; there was a separate school system here. We thought Alberta was a land of – how would you put it? – compassion. I think the province of Alberta can be seen as a compassionate province, and if we can cut out the political bickering between the parties, I think we have a real chance of showing leadership.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, sir.

We now have any other presenters from the floor who might wish to speak. Could I have a show of hands of people who wish to, please?

One, two, three, four, five, six, seven, and we have 30 minutes. Is it fair to the committee if we limit to five? Is that fair?

Let's go.

Yes, sir.

MR. THOMPSON: I'd just like to compliment the government and its task force for holding these hearings to give people a chance to voice their frustrations. I compliment you all on giving people a chance to voice their frustrations and to voice their opinions. The task force itself is to be complimented on its, to me, seeming impartiality, which I think is terribly important.

Just two quick points. Please save our medicare system. There are few in the world that are better. I am in my 43rd year as a type 1 diabetic. I still pay well over a thousand dollars a year out of my own pocket in medical expenses, but if it weren't for what medicare helped me out with, I would be in a sad way. So that is very important to thousands of our people. Please keep it.

Please be fair with the aboriginal people. They haven't had a good deal.

Go easy on the Quebec situation. The people of Quebec are probably just about as fine neighbours as we or any other people could hope to have.

MADAM ACTING DEPUTY CHAIRMAN: Yes, at the back.

MR. MEYER: Yes. I'd just like to say a few words. I didn't prepare a speech, because I know everyone has speeches, and I think sometimes you get used to speeches.

Like the other gentleman, save medicare: not that the government is killing it, but it is ruining it by reducing the benefits to the seniors and others. I think we can add to medicare without raising the cost, because there's hidden costs there that shouldn't be paid that the government could do better, more efficiently, and more effectively if it didn't have all the paperwork.

Save our educational system. We don't need university students parked outside the universities at 3 in the morning to get a seat. I think there is place in the university to do things they have to do. They don't have to be outside. I don't know if giving them a number a week ahead . . . Whatever. But I don't like the idea of having students wait outside. Even our nurseries, our regular elementary kids are outside because they want to go to their neighbourhood school. They don't want to be bused halfway across the city to go to school.

Our transportation system is falling apart. Our roads are falling apart. The reasons are, they say, that they have no money to fix the roads. I disagree. I think there is the money, and I don't think the way to get the money is by raising taxes; I think it's by lowering a few things like pay for the MLAs. I know you may disagree. My MLA disagrees strongly; she said she doesn't get enough pay. I think she gets way too much.

I think another way of raising it is reduce what they're doing which shouldn't be done by MLAs. There are some things the federal government could do that you are doing, some things the federal people are doing that you should be doing, and some things the municipalities are doing that the provinces should be doing. This power sharing agreement is not working. I think the way to set that is to do it by a constituent assembly elected by the people. I don't mean just elect an MLA, elect a federal minister, elect a city mayor: elect the people to represent us. The natives, women, minorities: they should have a say in this. They shouldn't have to sit out at the door and wait for their time to be called. They should be in on this from day one. I don't like the idea of you guys, all of everyone, going to Ottawa handling it. We're out here in the boonies, as you say. We find out from TV. We are not involved. If we were more involved, I think people would care more.

The way to save Canada is not to tell Quebec, "Do it my way or you're out." If Quebec goes, I don't believe we should just say, "Okay, go." They have expenses to pay up, and I think if they do go, they should go as they came in: stark naked. James Bay is not theirs; it is ours. We pay it out of our costs. The seaway is ours, not theirs. It came out of federal taxpayers' money. The roads came out of us, the taxpayer, because we paid for them through provincial and federal tax sharing agreements. I don't know; all I know is we cannot afford any more to say to Quebec, "Go," because if they go, they're taking the best part of the country away.

That's it.

MADAM ACTING DEPUTY CHAIRMAN: Thank you sir. I should have asked for your name; excuse me.

MR. MEYER: Okay. Jack Meyer.

MADAM ACTING DEPUTY CHAIRMAN: Jack Meyer? Thank you.

MR. MEYER: You're welcome.

MADAM ACTING DEPUTY CHAIRMAN: Mr. Hanisch, I'm going to not recognize you until the others have spoken, because you did have a chance to present your brief.

Yes, sir.

MR. HASTON: My name is Jack Haston. I worked in the engineering industry in Alberta for 30 years, I guess. I did have a brief which I sent in, and I'll very briefly summarize it.

My main point is that to re-establish a Canadian sense of country and mission, I think the rest of Canada has to determine how it would operate fairly and effectively without Quebec. Now, if this cannot be done, then I think Quebec will only be the first one to go. If it can be done, then I suspect there's good prospects for progress, including even a reasonable agreement for keeping Quebec in Confederation.

Now, short of revolution, I think this new Anglo-Canadian accommodation will have to be accomplished within our present political structures, and this unfortunate condition is what apparently troubles Canadians most. Meaningful constitutional reform must put checks on unbridled power, be it demographics, the provincial fiefdoms already referred to, centralist empires, or dictatorial party discipline. This could require considerable statesmanship on the part of politicians who are largely noted for guarding their own perks.

As I have lived in various parts of this magnificent but overgoverned country for a little over 60 years now, I did have some comments on constitutional reform. Firstly, a couple of background considerations. I think Canada has lavishly spent its physical and its psychic resources trying to accommodate Quebec for at least the last 30 years. Now, this has led to little except increasing provincial power and continued blackmail of Ottawa. It seems apparent that there will never be enough to satisfy the power aspirations of the Quebec elite. I will specifically say the elite and not necessarily the people. Now, some other provinces, and I think Alberta is maybe notably one, are similarly power hungry and divisive. We hear of "maîtres chez nous" in Quebec, and there's no difference between that and "keep them off our porch" in Alberta; they're the same sorry tune. I think rampant decentralization just weakens the country and can lead to an excessive duplication of government.

One thing I would not like to see is a Quebec/Alberta axis as some sort of way of countervailing the demographics of Ontario. I think that's scary. We do have problems of power distribution with or without Quebec. I think the separatists really have asked the right question, and that is, "What are English Canada's constitutional aspirations?" I think if this could be answered, it could largely set the basis for Canada with or without Quebec. At the moment I think Quebec has clearly opted out of the discussion, and I think that anyone who insists that Quebec's prior agreement must be part of this answer has also opted out.

I think the rest of Canada should get to an acceptable pro forma Constitution without Quebec before dealing any more with Quebec; that is, answer the question: what does the rest of the country want? If Quebec secedes in the meantime, which I suspect is unlikely, then maybe it would have to be "so be it" for at least some interim period, because they're not pertinent to the question at this time. They've opted out.

I think the English accommodation – with the quotes on "English" – does have to provide for regional representation without extreme decentralization. I think a country without a strong centre is a nonstarter in any sense of national commitment. I specifically do not want any provincial government trying to represent me federally. It's bad enough here in Alberta. Just think how a lot of Quebecois must feel having Bourassa and Parizeau as their federal reps.

4:40

On the other hand, I don't think a triple E Senate is the whole answer. One way or another I think you do have to break some of the party tyranny. I think Mulroney has been proof enough of the potential abuse of unprincipled party dictatorship. Now, it maybe goes against the grain to think that the U.S. model of the separate executive with the legislative checks and balances might be the answer, but one way or another I think we do have to get somewhere beyond this irresponsible, supposedly responsible, government that we now have. If we can get to such a thing, then I think it might even allow for a deal with the people of Quebec. It might give them the opportunity to get out from under the thumb of their elite. If not, maybe we can do without them as long as we have a government that does have a vision for the rest of the country.

I think the reforms will have to come from our present federal and provincial institutions. I don't think we're a revolutionary type of people. I do believe that most federal politicians and especially Mulroney have essentially no useful role to play since they are beholden to Quebec. This exercise, I think, must first of all in effect ignore Quebec. At best we might hope from the federals for some enlightened response to national referenda and maybe even some continued back-bench revolt against party discipline. I think the provincial governments can do a great service if they try to work themselves out of business; that is, try and actively pursue some constitutional reform aimed at strong federal government with effective, direct regional representation and reduce some of the provincial empires.

Now, to get us something like this, which is likely pretty airy-fairy, Ontario is the one key that will have to show some great leadership because they do have the greatest power accommodations to make. If this particular kingpin can't find some way to deal with the rest of the country, then I suspect the country eventually is in dire straits. I do think that Alberta can be a key player if it's prepared to deal with Ontario for the benefit of the whole country. I think this will be difficult for a province that's been raised on Bay Street's indifference. Practically the first phrase I ever heard when I came out here was, "Goddamn the CPR." But it will be the measure of whether the Alberta politicians are big enough to think of the country first. I don't think Quebec is any source of comfort. If Alberta can't reach an agreement with the great Satan Ontario in order to help establish a new basis for Canada, then I don't see much effective happening.

My only suggestion is that Premiers Getty and Rae begin an exercise of determining if they have enough common altruism and concern for the country to pull their clout in an initiative establishing a nine- province negotiation on the "English" Canadian Constitution. As I say, I think it has to be done within present political systems. I think it would have to be initiated by Alberta and Ontario, and I think the obvious chairman of such an activity would be Clyde Wells. He's the only Premier with demonstrated national integrity.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, Mr. Haston. Do you have your brief? You said you'd presented it to the committee. We haven't seen it.

MR. HASTON: I sent one in.

MADAM ACTING DEPUTY CHAIRMAN: Oh, did you? Okay. Well, we'll check it. I haven't seen it. I don't know about the other members of the committee.

MRS. FITCH: I want Canada to survive as one country, but I'm somewhat depressed, because I have two sons who have lived and studied in Quebec for several years, and they're very pessimistic. One son got so frustrated that he described Canadians as being a series of groups all living in little caves and huddling together in their caves and reassuring each other about all their prejudices and occasionally peering out and seeing a very narrow spectrum of Canadian society. When he's in Quebec, he finds a people who know very little about the rest of Canada and aren't very interested, and when he comes here he finds a lot of people who know very little about Quebec and say, "Our way or the highway," a lot of which I've been hearing this afternoon I think.

I would like to make a couple of suggestions, providing the committee would like to try and keep Canada together, as I hope they will.

MADAM ACTING DEPUTY CHAIRMAN: Could I just ask for your name?

MRS. FITCH: Margaret Fitch. I have put in a brief, but this is just a smidgen of it.

MADAM ACTING DEPUTY CHAIRMAN: Okay. Thank you.

MRS. FITCH: The first thing I wish we could do is challenge the idea that equal treatment means identical treatment, that everyone must be treated exactly the same within the Constitution. Now, you'll forgive me for a motherly analogy here. Compare Canada to a family. Do we insist that everyone in the family must do exactly the same things? If one child is talented in music, must all the children have advanced music lessons? If another child is talented in mathematics, must everyone attend university and major in math? Would that be the only way to give our children equal treatment? Surely not. Surely equal treatment means helping each child to do what they want most and can do best, and surely this will be the best way to achieve a happy, contented, and successful family. If this is true for one family, why not for a country as large and diverse as Canada?

Why can't we create a Constitution that guarantees basic rights to all but allows flexibility for different groups and regions to maximize its strengths? Their individual success will contribute to the success and the contentment of Canada as a whole. At least that's what I would hope. I would hope that within that Quebec and the Indian nations and Alberta and the west, other parts of Canada could have some flexibility to do things that they particularly can do well and not insist that we all have all of the same things, because as everyone knows, in the family we can't usually afford to give everyone the same things nor would they be grateful to have them forced down their throats, as people are so fond of saying.

My second point is just some statistics that came to my attention that changed my whole perspective on Quebec's demands. If I had heard those during the Meech Lake debate, I would have felt a lot differently. Now, either these are wrong statistics or a terrible mistake has been made in not publicizing them. At least that's my point of view. These statistics were that in 1939 the federal government's share of tax revenues was 38 percent, whereas today it is 71 percent. That means, of course, that the provincial share has fallen from 62 percent to 29 percent. Even though much of the federal share goes back to the provinces via grants and equalization payments, the control over the money has shifted and the power with it. Seen in this light, much of what Quebec wants is merely a return to pre-1939 tradition. The rest of us might not want to return, but we can't claim that it would destroy Canada even if we did go back to 1939. If the rest of us prefer the new tradition, why can't we have a Constitution that allows Quebec to opt out for the time being at least? Instead of rigid sameness, creative diversity.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much.

Is there anyone else?

Yes, Ma'am. Your name first, please?

MRS. SAWYER: Suzanne Sawyer. I've not prepared at all. I found out about this at the last minute and couldn't believe that you're here. I didn't know. I've been out of town, but here I am. I will submit something in writing later. I just threw together a bunch of notes here. I will leave you my card.

4:50

As I believe you know, Nancy, I represent the Francophone community at large here in Calgary. I'm here, actually, on behalf of the silent majority that is not represented. The regional Francophone association has a total of approximately a thousand members here in town, but there are a further 12,000 Francophones here in town and another 43,000 bilingual people who are very well hidden. They don't seem to come out and speak. If you start talking to people, actually, I find them very friendly. They're thrilled to meet someone who speaks French and who can tell them, "Sure you can go to La Ruelle." There's a French book store. There are French associations. There's French theatre. There are all sorts of things going on. There's a total of 28 associations, vibrant and active, and a lot of things going on and growing, very positive things, and people are very receptive. I, of course, shrink when I hear negative comments. I hate the thought of being thrown into the barrel with the anti-Quebec and anti-Meech Lake reactions. It saddens me, obviously, to hear negative comments.

I recently saw a documentary on TV about the peregrine falcon becoming extinct. The last statement was: if our environment is killing these birds, think of what it must be doing to us. I suddenly pictured – now, some of you may love this – in a wax museum somewhere a tape in French saying: this is a French family; these are extinct now. Not distinct but extinct if bilingualism goes down and there's no further funding and the Francophones are just simply ignored, as some people wish would happen. Canada is known, is respected, is admired for its bilingual component, its multicultural aspect, and I think that if all these things died, then a great and wonderful portion of Canada would die with it, and we would no longer be the same country.

I lived in South Africa. I was in Johannesburg when the first bombings in Soweto occurred. I was in Dublin when the first bombings in Belfast occurred. I lived in the United States and Europe. I've lived in a number of places where there was violence and where there were terrible things and oppression. I kept thinking, "Aren't we lucky to be Canadians, to have our country?" and to have the special aspects of our country which I've just mentioned. My heart tears at thinking that these things will not continue.

I assure people as I talk to them that our government leaders in their strength and their wisdom and their fairness will of course protect and promote the Francophone and bilingual education system. My main concern is education. I don't know about James Bay, and I don't know about economics. Of course I should, and some day, hopefully, I will. But the first base is education, and really everything starts with education, I think. I ask today for your assurance of financial and moral support. I can't believe that after 22 years of official bilingualism in this country, the billions of volunteer hours donated by concerned parents such as CPF, Canadian Parents for French, PTAs, all the parents who have wanted their children to learn French, I can't believe that it will just all disappear because of a changing time. When I hear comments such as "things that are shoved down our throats" I shrink. Wouldn't it be nicer to think, "Aren't we lucky that we have these things available, that we have such a system"? Please don't let it die.

Gee, I'm down to the last page. Basically just that: education. I say firmly that I'm sure our government will protect us. Some people laugh at me and tell me I'm crazy, I'm dreaming, looking through rose-coloured glasses. I hope I'm not.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you very much.

MR. BULKOWSKI: Peter Bulkowski. I'll keep it very, very short. I'd like to suggest something that we in the business community call a frame-breaking change. I think most of what we're talking about constitutionally is distribution of power amongst three levels of government. I would suggest that perhaps if we want a motivated, energized population, the transfer of power needs to be to the people, away from the governments. I would suggest that the way to do that is the way we do banking now, called automated tellers. Let's have an automated voting system where we can go to the polls, to the machines in our malls, wherever, every month and vote on the major issues. That empowers the people. That lets us control our lives. Rather than government officials, elected officials, or NGOs speaking for us, let us speak directly to the issues. I think that would be a much more effective way. It's a major change in terms of how we do business. I think it's in agreement with the fact that our traditions have consistently changed towards a more democratic system. I hope that in looking at constitutional issues, we do not simply shift powers from one politician to another.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Thank you, sir.

Is there anyone else who would care to make a few closing remarks?

Mr. Hanisch?

MR. HANISCH: Yeah, very, very quickly. I'd just like the MLAs here to take the message back to Edmonton to the Speaker of the House that if that gentleman is unable to deport himself purposefully in addressing members of the opposition, he should resign. I am positively embarrassed to hear him say to opposition MLAs, and I quote: shut up; disappear. I don't think that this is the way to treat democracy.

Thank you.

MADAM ACTING DEPUTY CHAIRMAN: Well, ladies and gentlemen, let us thank you for your very thoughtful and very thought-provoking presentations this afternoon and this morning. The committee, as you may know, has split into two parts. We're committee B. I don't know why. We probably should have been A, but we're B. Committee A will be here in Calgary next Friday evening and all day Saturday, and we go out on the road starting on Monday.

Thank you again for all your thoughtful input. We certainly appreciate your coming out.

[The committee adjourned at 4:58 p.m.]

1:02 p.m. Monday, May 27, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Members of the committee and ladies and gentlemen, we'll call the meeting to order and welcome all the viewers of ABC Cable 10 who may be watching our proceedings this afternoon and evening. We are very thankful to Cable 10 for covering these hearings. The hearings are the attempt of the Alberta government to involve as many Albertans as possible in developing a position for the government of Alberta in weeks and months ahead in the possible restructuring of our country.

This is one-half of the Alberta Special Select Committee on Constitutional Reform. We're called committee B. Committee A is presently holding hearings in the city of Lloydminster. During this week we hope to cover a large part of the province of Alberta. Although we haven't made a decision as to whether or not these hearings will continue at a later date in the summer, it depends on the requests of Albertans for the opportunity to be heard.

Before proceeding with our first witness, I'd like to introduce the members of the committee. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora. On her right is Stockwell Day, the MLA for Red Deer-North, and on his right is our host for the day, the MLA for Fort McMurray, the Hon. Norm Weiss, who we are very happy to have with us.

MR. WEISS: Thank you. If I'm your host, I hope you don't send me the bill.

MR. DEPUTY CHAIRMAN: Well, we'll try to be careful about that. We'll try to economize anyway.

On his right is the MLA for Calgary-Buffalo, Mr. Sheldon Chumir, and on his right is John McInnis, the MLA for Edmonton-Jasper Place. Across from John is the newest member of the Legislative Assembly, Barrie Chivers, the MLA for Edmonton-Strathcona, and on his right is Pearl Calahasen, the MLA for Lesser Slave Lake. On my left is the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the Drumheller constituency.

As I mentioned earlier, we're very happy to have ABC Cable 10 broadcasting these hearings live. Just a reminder that the public is cordially invited to attend. We do have some scheduled presenters, but there is room in all our proceedings for unscheduled presenters at the end of the scheduled people. So if anybody has anything they feel they can contribute to the developing of a better Canada, we'd be very happy to see them.

With that I'd invite Pastor Ian Cotton to come to the table for the purpose of making the first presentation here in Fort McMurray. Welcome, Pastor Cotton.

MR. COTTON: Thank you. I have a question. How come we've got some honourables and some nonhonourable people around here?

MR. DEPUTY CHAIRMAN: Well, we've got two members of the cabinet, and any member of the cabinet carries the . . .

MS BETKOWSKI: It doesn't mean this person is dishonourable.

MR. ANDERSON: Although we wonder at times.

MR. DAY: Now that we're through that clarification . . .

MR. COTTON: Thank you anyhow. I do know Stockwell, and I appreciate the invitation and the opportunity to make this presentation to you. I have typed out a copy for you, which I'll leave with you. I don't know who to leave it with.

MR. DEPUTY CHAIRMAN: Mr. McDonough will pick it up.

MR. COTTON: I will read this submission through to you, if I may. That way I get my thoughts over very crystal clear.

In response to Alberta in a New Canada, which you're well acquainted with – this has been widely distributed – I would like to address two points, firstly aboriginal rights and, secondly, the freedom of conscience and religion. My primary emphasis, though, is on the freedom of conscience and religion.

As an immigrant to Canada from England and now a Canadian citizen, I am thankful for the privileges this country and this province have afforded me and my family. I feel it is necessary for our aboriginal peoples to be treated with the same dignity, respect, and equality under the Constitution that is shown to all other Canadians. I believe in a united Canada, including the province of Quebec, and I feel that certain powers can be delegated to the provinces and to the aboriginal peoples provided all are treated equally and fairly. Similarly, I believe that all Canadians from east to west should be treated fairly and equally under the Charter of Rights. This being so, the provinces should have no authority to pass legislation contrary to our Charter of Rights; i.e., the notwithstanding clause of section 33 must be repealed or, failing its repeal, section 2(a) concerning freedom of conscience and religion must be exempted from any notwithstanding clauses.

The use of the notwithstanding clause by the Quebec provincial government in 1988 as a means to prevent the use of English on public signs illustrates clearly why section 33 should be rescinded as soon as possible. Minority rights must have protection in law so they are not subject to the ever-changing political whims of government. Section 33 of the Charter allows governments of the day legal opportunity to deprive Canadians of their language rights and religious freedoms that they have enjoyed for over 200 years. History clearly shows that minority religions and languages, as evidenced in Quebec, will be vulnerable to a complete deprivation of liberty by a simple majority vote of a provincial Legislature under section 33. This section must be rescinded.

Our court system seems to be working very well now that we have the Charter in place to give a firm, impartial foundation of law uninfluenced by shifting public opinion. The Charter is designed to protect us all against a possible tyranny of the majority. As a pastor serving the people of Canada, I want to assure the government that it has its place in God's order; however, government has no right to place controls upon conscience. This is God's realm, not government's, and should ever be held inviolable by our Charter and laws. Since God takes no pleasure in forced allegiance and grants freedom of will to all, our government should follow God's example in the matter of conscience and worship. Freedom of religion should ensure that governments have no authority to enforce any particular religious practice or belief. Thus the Charter does not need section 33, which allows provincial governments to impose a sectarian religious will on unwilling citizens. When it comes to conscience and the practice of religion, God's will, not man's, must ever reign supreme.

In closing, I would repeat that worship is an act of conscience and must never be controlled by law, nor should laws be passed to coerce individuals against their will in acts of worship. Freedom of religion and its practise thereof must be protected by our Charter of Rights in accord with section 2(a). In view of the above, it is my firm conviction that section 33 must be repealed for the good of all Canadians. Failing its repeal, then section 2(a) must be exempted from any notwithstanding clauses.

Thank you. That completes my presentation.

MR. McINNIS: Mr. Chairman and Pastor Cotton, I take it implicit in your presentation you feel the Charter of Rights and Freedoms is an effective way to protect the human rights and civil liberties of Canadians, that you endorse having the Charter within our Constitution.

MR. COTTON: Oh, yes, very much, very definitely, with that one exception.

1:12

MR. McINNIS: You didn't indicate it, but I take it your preference would be for the elimination of section 33, the notwithstanding clause, as opposed to simply exempting the one section.

MR. COTTON: That's exactly it. Section 33 must be repealed, or failing its repeal, then section 2(a) concerning freedom of conscience and religion must be exempted from any notwithstanding clauses. So my preference is that section 33 be terminated completely.

MR. McINNIS: It's clear to me. Just one other question. Are there any rights and freedoms that you think should be protected in the Charter in addition to those that may be in there already?

MR. COTTON: No, I think the Charter has done a very good job in protecting all our basic freedoms. The notwithstanding clause is my irritant, if you like, about it. I'm sure that's true of many other people.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Chairman. Pastor Cotton, I'm sure we all, regardless of which party we're from on this committee, would agree with the protection of rights and with the fact that no province or, for that matter, federal government or other person should have the ability to take away any of those fundamental rights that are outlined either in the Individual's Rights Protection Act in Alberta or in the federal Charter of Rights. What I would like to explore with you is how that best can be done. You seemed – and please feel free to correct me if I'm wrong – to equate God's will being interpreted best by the courts as opposed to by elected representatives of the people. I'm wondering if you could expand on that at all, given some of the experiences, for example, that took place in the States where for quite a number of years the Supreme Court, under their particular rights that were attributed to the court, interpreted the rights of the community as being superior to the rights of the minority. For example, the busing issue in the States: people at the back of the bus versus the front. There is a school of thought that says that people that take the longest to come up to date, if you will, in terms of ensuring and guaranteeing rights are those who aren't forced to change through elections but rather are there without any checks from the population. Could you expand on that?

MR. COTTON: That is exactly my concern, "forced to change." That is why I feel the Charter of Rights must ensure without any compromise that each individual has freedom of conscience and freedom of worship. Thus if you want to worship on Friday, Saturday, Sunday, Monday or whatever day it happens to be, the government has no right to say you've got to worship on Wednesday or whatever day. So that is my concern, and I think this needs to be enshrined within our Charter. Then politicians, present company excepted, I assume, will not change at the whim of their thoughts as they're elected people. This is what comes out clearly within the Charter of Rights as it was handed out to us several years ago.

MR. ANDERSON: And you have no concern that the court could interpret the section differently than you might intend it to be interpreted and therefore have, without any recourse to the population, the right to detail that in a different way; in other words, to say that the freedom to worship means to do it on a certain day, as in the States for a long period of time – they did change – they said the right to association was the right of the whites to not have to associate with the blacks on buses.

MR. COTTON: But that wasn't enshrined in their Charter of Rights. That was a local law, as such, as I understand it.

MR. ANDERSON: No, it wasn't.

MR. COTTON: In that case, I would differ from that.

MR. ANDERSON: Yeah. It was in their Charter of Rights and it was their federal Supreme Court that made that . . .

MR. COTTON: I believe in equality and fairness. I'm basing this on section 2(a), which says under Fundamental Freedoms:

> 2. Everyone has the following fundamental freedoms:
>
> (a) freedom of conscience and religion.

Therefore, it's my presentation that governments, whether federal, provincial, city, have no right to tell me or any other individual, "You must do thus and so." Section 2(b) says "freedom of thought" – obviously, you cannot control freedom of thought – "belief, opinion and expression." Again expression can be forced by fear, and I feel this should be protected. So my fundamental concern here is conscience and religion, because our conscience gives us the ability to express our beliefs. My main emphasis is that freedom of religion and expression and practice thereof not be constrained by any provincial, federal, or even city law.

MR. ANDERSON: Thank you. I think we'd all agree that it shouldn't be curtailed. Whether that can be done by having others not able to curtail it but the Supreme Court able to interpret it is the question. But I certainly agree with the premise.

Thank you.

MR. DEPUTY CHAIRMAN: Ms Calahasen.

MS CALAHASEN: Thank you, Mr. Chairman. I want to pursue the avenue you brought out in terms of the aboriginal peoples. When you said that there should be equality or, at least, aboriginal people should have the same dignity and respect as all other Canadians, I wondered what your views are relative to the powers that may be accorded the aboriginal people. Should it all be comprehensive kinds of claims that aboriginal people in the Northwest Territories as well as the Yukon have? Or should there be specific kinds of issue-oriented claims that they should be dealing with in aboriginal issues?

MR. COTTON: That's getting into politics, which I don't particularly want to get into. I'm speaking as a pastor here and also as an immigrant to Canada, but it does seem to me that our aboriginal peoples have not been treated fairly. The treaty rights have not been followed through. Obviously, certain things within the treaty had been allowed for and governments have not followed through on this: land and that sort of thing. What I said in my presentation here is that I feel certain powers can be delegated to the provinces and to the aboriginal peoples provided that all are treated equally and fairly and then followed from east to west, that there's one Charter which guarantees rights for all Canadians from east to west.

MS CALAHASEN: Are you saying, then, the aboriginal people have got to be treated like all Canadians, not on a sort of specific basis?

MR. COTTON: I think if we're going to consider that the province of Quebec has certain powers and rights, similarly we should allow our aboriginal peoples to have their own rights and powers which perhaps are unique to them and not common to the rest of Canadians.

MS CALAHASEN: Should they then be recognized as founding peoples also, like the French as well as the English?

MR. COTTON: Very much so.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Mrs. Betkowski.

MS BETKOWSKI: Mine is on the same theme, with respect to the aboriginal peoples. When you say they should be given recognition of their special part of Canada, that might not be equal to other Canadians.

MR. COTTON: That I also realize.

MS BETKOWSKI: I guess that's where we all struggle. Should there be exceptional powers, for example, on some of their treaty rights? That includes certain hunting rights, but that's not equal to other Canadians in the same way. I wonder what your thoughts are on that.

MR. COTTON: Again, with the aboriginal peoples, I think if their hunting is a traditional way of life and they live on this, then they should have these sorts of rights. But for them to go commercially hunting and selling to the general population, that's a different matter. I think survival is one thing, but commerce is a different matter on that.

MS BETKOWSKI: So as opposed to being equal, there may be an equity here; there may be an ability to achieve.

MR. COTTON: Unfortunately, yes. This is why I said in my other paragraph here that certain powers can be delegated to the provinces and to the aboriginal people. These powers are obviously going to be different, but there should be an equality across Canada on this.

MS BETKOWSKI: Thank you very much.

MR. DEPUTY CHAIRMAN: Mr. Chumir.

1:22

MR. CHUMIR: Thank you. I might say that I would tend to side with you as opposed to Mr. Anderson with respect to your interpretation as to whether it was the politicians or the courts that were responsible for John Crow in the United States, but this is not the place for . . . [interjection] Jim Crow. John Crow. Bill Crow. Harry Crow. Velcro. Anyway, this is not the place to get into that debate.

I did want to ask you whether there were certain types of difficulties you had in mind, either historically – because we have had some examples of historical problems re freedom of religion in this country. Is there anything in particular that you have in mind, problems you are experiencing that lead you to be so concerned about this particular protection in the Charter?

MR. COTTON: Yes. As a Seventh Day Adventist, obviously I worship on Saturday and not Sunday. Thus when Sunday legislation comes in, it imposes upon me and upon other Seventh Day Adventists certain rules. Certain freedoms are taken away from me. For example, in Red Deer – and Stockwell and I were on opposite sides of the fence at that time, but we agreed that fundamental religions are important. Also, it mentions in our Charter of Rights the freedom to believe or not to believe, the freedom to act or not to act. Thus if I want to go shopping on Sunday, I should have that right, because to me my worship day is Sabbath. Sabbath being unique perhaps to Seventh Day Adventists, being from sunset Friday to sunset Saturday, that affects the whole week.

My wife, for example, for the nine months we've been here has tried to get a job. Just today she had an invite to go and do some temporary work for the next two weeks. She was refused three jobs because they want her to work on Saturday. Well, we didn't know that when we applied. I can respect businesses saying, "We want you to work on Saturday." If that's true, then we don't apply for the job. If the insistence is that you've got to work Saturday or Friday from sunset to the time we quit and we know that, then my wife would not apply for the job. If it's not advertised or if it's a condition of employment, then I think that's a different matter. You're all well acquainted with the Sunday legislation that went through and with the battles that have been in Lethbridge and Red Deer. Therefore, my concern here is for freedom of conscience and religion. After all, I might be an atheist and my religion might be the almighty dollar, and I would work seven days a week because I'm serving that God. This guarantees me the right to do that, whereas legislation which says, "Hey, you can only shop six days of the week but the Sunday you've got to close down" is a different matter.

Now, I realize we have a unique stand on this and the rest of Christendom doesn't agree with it. Fine. That also is guaranteed in here for the Mohammedans. They keep Friday, and that also should be respected. So the freedom of religion and conscience is very important. I was asked by a pastor here in town, in fact the president of the ministerial association, just recently, "What if the government passed legislation to close everything on Saturday?" I told him that I would fight that just as vigorously as if they said close it on a Sunday or Friday or Monday.

So it's my conviction, my firm, settled conviction, that the Charter as spelled out in here, excluding that notwithstanding clause, gives to every individual their freedom of conscience and their freedom to practise their religion as their conscience dictates. You'll find that in my presentation here.

MR. CHUMIR: Would you also then be supportive, for example, of a religious claim by members of the Sikh faith to be able to qualify for a job, say, with the Royal Canadian Mounted Police on the basis of the religious mandate to wear a turban? Would that be analogous?

MR. COTTON: Yes and no. As I explained, my wife would not apply for a job if she realized it included Saturday work. We believe if the condition is that you work Saturdays, there is no point in applying for it and there's no point in making a stink about it, because that obviously is spelled out. With the Sikh religion, I think we have a wonderful tradition in the RCMP. Their uniform stands for a lot. I realize it is a very difficult decision about their turbans, also the children going to school with their little daggers or whatever they're called. I think that's a very difficult one that has to be respected. From my perspective, if I knew something would conflict with my beliefs, I would not even apply for it in the first place. So let me just stand on the fence with that one, if I may.

MR. CHUMIR: I'd like to change directions a little bit. I've been very interested in what I see as the main philosophical issue facing the country at this point in time, and that is whether we decentralize and transfer exclusive jurisdiction over many more powers to the provinces – for example, exclusive jurisdiction over medicare and social services – or alternatively, whether we feel it's very important to maintain a strong central government with power to establish minimum standards re medicare, social services, and other areas. Do you have a view with respect to what the most appropriate direction is for this country?

MR. COTTON: Let me speak as an individual and not as a pastor at this point. From my perspective, and I speak only as an individual here, the federal government has its role, as does the provincial government. The federal government I think has every right to set minimum standards of education, of health, but the provincial government I think should have the ability to change, upgrade or, in some cases, adjust. For example, these private health clinics. I am in favour of private health clinics. Coming from England and seeing the delay that happens in many medical instances, I think our private health care as established at the moment can only be beneficial to us in the long run. It's going to save us a lot of costs in the health field, in hospital care.. I think if there are private individuals, you're going to have far more entrepreneurial skills coming in and therefore a better health care for the whole province. Again, let me repeat that that's my personal view. That is not the church view, so on that point I'm not speaking as a pastor.

MR. CHIVERS: Pastor Cotton, I'd just like to pursue a little bit further the questions with respect to employment and the relationship with freedom of religion and freedom of conscience. I want to start by pointing out that our law already has this concept called reasonable accommodation, which might be part of the way out of your dilemma.

MR. COTTON: Yes, indeed, and we've appreciated that as well.

MR. CHIVERS: You support that kind of concept in terms of an employer's obligation to make reasonable accommodation on account of religion?

MR. COTTON: Yes.

MR. CHIVERS: I also want to speak with you about your position on bilingualism and the Official Languages Act. You didn't mention that in your brief, but it's an area that's being addressed by many of the presenters to this task force. I'm wondering what your views are with respect to, firstly, the founding peoples issue. I think you've already indicated to Ms Calahasen that you would support some sort of special status for aboriginal people.

MR. COTTON: Yes.

MR. CHIVERS: I'm wondering what that means to you in terms of language rights.

MR. COTTON: We are immigrants to Canada. English is my only tongue. I took French for just one year. Obviously I wasn't considered skilled enough to carry on, so I was dismissed from French at that point, at the age of 13. I struggled through Greek for four semesters in my degree, so I at least have an understanding of languages. I think the native people should have the right that their official language be their native tongue. For example, the Inuit should have that right to say this is our official language, just as the French people should have that and just as the English-speaking people should have that. I think it is wrong – and again I speak as a person, not as a church – that bilingualism be forced on people who are not willing to go along with it.

I pastored in a church that 10 years ago was exclusively German speaking – no, more than that; 15, 20 years ago they were exclusively German speaking. Six years ago when I got there, they were almost exclusively English-speaking. You went to visit them in their homes or you saw them speaking anywhere, they'd be speaking in German to each other, but the moment I came along, out of courtesy they would change to English so I could understand the conversation.

1:32

I think federal bilingualism has its place. I think it has its place where there are sufficient numbers of people who would qualify for or would need the services. But in places such as Red Deer, since I spent the last five years there – I only met two French-speaking people in the whole time I was there. Now, I don't know what it's like in different parts of the country, in different parts of the province even, but from my own perspective I'm quite happy to be served in English. I do all my communication with English. I see French and I struggle with the words. I don't understand French. I think that also the majority of the world speaks English. English for sure is the lingua franca, to use a French phrase, of the whole world at the moment. Therefore, if people are forced to take French and exclusively French, then their position in the world is going to be lost, and I think this is where Quebec is going to lose out in the long run. If everything has to be done in French and they are no longer able to communicate in English to the rest of the world market, then there might well be a problem there in the long term.

My only personal perspective is that I'm quite happy in English. I have nobody in my family who speaks French. In my church I have two people who speak French, many people who speak Chinese, and one person who speaks Yugoslavian. We minister to the people of Canada, and therefore from the church perspective obviously Quebec is part of our church. We minister to people in Quebec, and I would not like to deny them their rights to speak French to their heart's content.

MR. CHIVERS: I'd just like to pursue that a bit further. You indicated some support for the principle of where numbers warrant the delivery of services in one or other of the official languages, and I think you also included aboriginal languages in that. You realize, of course, that the federal law, the Official Languages Act – that's essentially what it does require. There's some judicial support for that sort of proposition where numbers warrant, for example, in the delivery of educational services and also of course in other types of federal services. So by and large, you would support the present situation then?

MR. COTTON: Yes. My next-door neighbour's daughter is in a French-immersion school, and she's reveling in it. She's an honour student. I think that's important. Her mother tongue was French, so they're maintaining the culture in that. But I think we perhaps have gone too far overboard on this.

MR. CHIVERS: It's kind of interesting. There are presently over 2 and a quarter million Canadian students enrolled in French language immersion programs in Canada.

MR. COTTON: That's 10 percent of the population.

MR. CHIVERS: So it's a fairly significant number of people that are involved in that dimension. Of course, there are other second language programs as well that involve another 2 and a half million people. So a fair number of Canadians.

MR. COTTON: And I should repeat that our church ministers to people in French and English. I am not bilingual by any stretch of the imagination.

MR. CHIVERS: The other point I wanted to question you about. I tend to agree with your views with respect to section 33, the notwithstanding clause. My concern, of course, is that the present system permits a checkerboard type of effect in terms of certain provinces enacting different laws under the notwithstanding clause. I was wondering if that's part of your concern as well: having a uniform position across the country with respect to basic rights and freedoms?

MR. COTTON: Yes, it is. The notwithstanding clause apparently has to be re-enacted every five years, but the problem with this is that – and this is the explanation on the right-hand side here. It says:

> Under the agreement that broke the constitutional deadlock, both Parliament and provincial legislatures will retain a limited power to pass laws that may conflict with parts of the Charter of Rights concerning fundamental freedoms, legal rights and equality rights.

My concern is that it should be enshrined within our Constitution that no government body, whether it be local, city, provincial, or even the government of Canada in its federal role, has the right ever to deny a person's right to worship, and that section 2(a) should be exempted from any of these notwithstanding clauses. That protects all Canadians, then, in their role of worship and their beliefs.

MR. CHIVERS: Finally, with respect to aboriginal rights, if I understood you correctly, you were suggesting some sort of delegated arrangement with respect to aboriginal rights. Is that on a model of self-government, some sort of concept of self-government to aboriginal peoples, or is it more on a municipal government sort of model?

MR. COTTON: I would have no problem in delegating the aboriginal peoples having certain rights enshrined within the Charter so that it's uniform across Canada for the aboriginal peoples.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks, Mr. Chairman. Pastor Cotton, it's always nice to see a former constituent doing well in another part of the province. I was just telling your new MLA here, Mr. Weiss, that he's fortunate to have a good community-minded individual like yourself up here, and we'll do what we can to try and drag you back to Red Deer.

MR. COTTON: Thank you.

MR. DAY: Section 33 is interesting in terms of the notwithstanding clause, and you're talking about your concern about religious freedoms. It's also interesting that the preamble, of course, of the Charter says that "Canada is founded upon principles that recognize the supremacy of God and the rule of law." As I'm hearing your concern, you feel that could be negated by the notwithstanding clause having power over section 2(a), which is "freedom of conscience and religion."

MR. COTTON: That's exactly my concern.

MR. DAY: Then am I assuming correctly – would you have a problem or feel a notwithstanding clause might have some merit in the areas of the sections 7 to 15 as long as 2(a) was exempted? Seven to 15, as you're probably aware, deal with search or seizure, detention, imprisonment, arrest, that type of thing.

MR. COTTON: Yes, I have no problem with that. Even under section 2 there, the fundamental freedoms: "freedom of peaceful assembly" I think should be understood as peaceful, but when you get an assembly which isn't peaceful, then I think the notwithstanding clause, if it had to be retained, could cover that section. But certainly sections 2(a) and (b) under here, (a) particularly, cannot be compromised in any manner. Therefore, if the notwithstanding clause has to remain in there, it's my belief that section 2(a) should be specifically excluded from the notwithstanding clause of section 33.

MR. DAY: Thanks for that clarification.

And the whole area of self-government in terms of aboriginal rights: do you feel it's important that self-government be defined before either provincial or federal governments move in that direction, or would you as a citizen of Canada be comfortable with self-government just being a term that isn't clearly defined before moving that way?

MR. COTTON: I think when it comes to politics and law, the more exactly things are defined, the better it is for everybody. I think with the matter of self-government for our aboriginal peoples it would be well for that to be defined before any laws were passed. It would stop any ambiguity of interpretation then.

MR. DAY: Thanks, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Mr. Weiss, would you like to participate?

MR. WEISS: Mr. Chairman, if I may just take the opportunity to clarify my role. I'm here as an observer and would like to say thank you to the members of the committee, welcome to the city of Fort McMurray and the Fort McMurray constituency, and at the same time thank those who are making presentations and those who have come to listen and participate. I appreciate very much their involvement, and would encourage the viewing audience of ABC Cable TV to come out this evening and, if necessary, present a verbal brief. It isn't required to be in writing; it isn't required to be a formal presentation. To those who wish to have input, I would encourage them to come out in the latter part of the session.

Once again I would just like to say thanks, Mr. Chairman. I hope it goes well. I appreciate all the colleagues who have taken the time to come within their busy schedules. While we recess for the week, it means you're not home with your families and being able to spend the time that you would like as well. I think it's a very important issue, and it faces us all. I wish you well in your deliberations.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

The Chair would have one question before finishing, if Pastor Cotton doesn't mind. You mentioned that you did immigrate from the United Kingdom to come to Canada. Just for our information, or at least mine, do you feel that your liberties are a lot greater and expanded here in Canada than they were in the United Kingdom?

MR. COTTON: Probably about the same. I have never had conflict with the law; I've never been on the receiving end, so I really can't answer that from that perspective. It seems we have the Charter of Rights here now, and this has been a matter of public discussion. Going through this, this is what has prompted my concern that this notwithstanding clause can be used in a very wrong manner. For example, the usage of the language rights in Quebec and the stopping of the usage of English signs: to me that's wrong.

I'm also concerned, therefore, about freedom of religion and freedom of conscience and worship in general. It should not be legislated; you cannot legislate time and one's relationship with God. That's why I think section 2(a) was such a wonderful addition to this, but if it's negated by the inclusion of or being subject to section 33, then we ruin what is a very good Charter, and having this Charter gives the courts a very exact guideline to stay within.

1:42

MR. DEPUTY CHAIRMAN: What I was wondering about: I assume that you were a Seventh-Day Adventist in the United Kingdom.

MR. COTTON: No.

MR. DEPUTY CHAIRMAN: Oh, you weren't.

MR. COTTON: I became a Seventh-Day Adventist in Calgary in 1968.

MR. DEPUTY CHAIRMAN: I see. Are there Seventh-Day Adventists in the United Kingdom?

MR. COTTON: Yes.

MR. DEPUTY CHAIRMAN: Do they suffer, or are they in danger of being deprived of any of their religious rights and liberties there that you know of?

MR. COTTON: Yes. There have been occasions where people have been fired from their jobs because they will not work on Friday evening after sunset, for example. So, yes, that has happened there, and it has also been a concern to us here in North America, in the whole of North America.

MR. DEPUTY CHAIRMAN: So the same difficulties obtain in the United Kingdom as the United States, as Canada?

MR. COTTON: Yes, but I think with this Charter, then all people are protected from coercion.

MR. DEPUTY CHAIRMAN: Well, except that with this Charter and with the Bill of Rights in the United States that's been there for almost 200 years, you still have those difficulties.

MR. COTTON: Yes.

MR. DEPUTY CHAIRMAN: So I personally don't see how one can argue that these written-down rights really expand the rights people had in a society like the United Kingdom.

MR. COTTON: If you take the example we've had in Red Deer, the city wanted to close everything down on Sunday, all the shopping and everything. But again certain exceptions were allowed, gasoline stations and hotels and so on and so forth. It's inconsistent. Therefore, if a law has to be passed, it has to be consistent. I think the Charter of Rights gives protection to all citizens, including Seventh-Day Adventists and including those who are nonbelievers.

MR. DEPUTY CHAIRMAN: Thank you very much, Pastor Cotton.

MR. CHIVERS: Mr. Chairman, I was just a bit concerned about an impression that Pastor Cotton may have left as a result of some questions from Mr. Day. I just want it to be clear. As I understood your response to Mr. Day's question, your primary concern was in terms of making sure freedom of religion and conscience was beyond the ambit of the notwithstanding clause.

MR. COTTON: Right.

MR. CHIVERS: You sort of accepted his proposition that perhaps the notwithstanding clause could apply to sections 7 to 14 of the Charter. I wanted to be sure that that is indeed your position, because this section 7, for example, provides

> the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Of course, if the notwithstanding clause were to apply to that section of the Charter, it could mean that you'd have the same sort of checkerboard effect across the country.

MR. COTTON: Unfortunately.

MR. CHIVERS: The other sections there: for example, section 14. We'll just start with the beginning and the end of that portion of the Charter.

> A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Again, if the notwithstanding clause reached to those sections of the Charter, you could have exactly the same problem. Would you not feel more comfortable with having the notwithstanding clause eliminated from the Charter altogether so it wouldn't apply to any?

MR. COTTON: Yes, indeed. My concluding point and second to last paragraph here: worship is an act of conscience and must never be controlled by law, nor should laws be passed to coerce individuals against their will; freedom of religion and its practise thereof must be protected by our Charter of Rights in accord with section 2(a), and in view of the above it is my firm conviction that section 33 must be repealed for the good of all Canadians.

So my view is that section 33 needs to be totally erased from the record, from the Charter, and from anything else you can lay your hands on.

MR. CHIVERS: Right. I just wanted to be clear on that. Thanks.

MR. COTTON: Thank you for that clarification.

MR. DEPUTY CHAIRMAN: Mr. Anderson would like to have further clarification.

MR. ANDERSON: Pastor Cotton, you've got us into an interesting conversation on this one. I guess one thing that confuses me is that you talk about those rights being beyond the law and should be beyond the law, yet you're talking about the fundamental law of Canada. You're talking about the Charter of Rights, which is, if anything, a law interpreted by nine people appointed by a government. I don't hear any of us disagreeing with the protection of rights as we understand them or as we would normally interpret those words. The purpose of the notwithstanding clause originally – and I can speak to this a little having been involved in the committee just prior to the conclusion of the 1982 accord – was so that interpretation made by nine people would not in fact circumvent what was originally intended in the law itself. On the section you're most concerned with, I'm not familiar with any attempt to do that or any misinterpretations that are there; I am on other sections where a particular court has ruled in such a way as to put at question the original intent and, therefore, the notwithstanding clause could arguably be used to in fact protect what the people wanted originally.

I guess that's the problem we're getting at, and as we get back and forth there are of course different opinions as to whether nine appointed judges can do that more easily than people responding to the needs of the moment.

MR. COTTON: But I think perhaps that's most clearly illustrated by the Quebec government. The Charter of Rights as interpreted by the Supreme Court said that English signs were allowed, and instantly the provincial government says, "Ah, notwithstanding the Charter of Rights, you can't use English." Therefore, I think that was a wrong usage of the notwithstanding clause. As I understand from the history, the notwithstanding clause was not intended to be used in such a manner. There have been many examples given in court rulings that I've read over the years. I think there have been three usages of the notwithstanding clause, and all three were not really understood to be in that context, or at least to be used with the notwithstanding clause. Unfortunately, the provincial governments said, "Hey, this is what we want." What I'm saying is that the Charter of Rights protects minorities from any possible coercion. That was my concern.

MR. ANDERSON: Yes. I appreciate your interpretation on that, and I would have the same concern about Quebec's use of the notwithstanding clause though not a question about their right to use it. However, you know, there was a case in Ontario where they took the section of the Act – I can't recall the specific item in the Charter of Rights – which deals with freedom of assembly, and it was interpreted by the court to mean that there could not be a law which stopped essential services from striking in a strike situation. We could argue whether that's right or wrong, but I know that the original intention having been there when it was drafted was not for it to extend that far. In that case the Supreme Court didn't uphold it and there wasn't a need for anybody to talk about a notwithstanding clause, but those kinds of items are, I think, one of the reasons why. I give that for information: why the notwithstanding clauses are there as an out.

I hear what you're saying, and I appreciate that we would like to not have an out if the words were clear enough that we all knew exactly what they meant. Unfortunately, I'm not sure that's the case.

MR. COTTON: Unfortunately, politicians have a very difficult job. You have to represent your constituents. You have to represent the law and live within the confines as expressed within the Charter, and it's not an easy task for you to be in any leadership role today. As a pastor I know that, and I can well assume that it gets far more complicated as you get nearer to the rows of power.

So I appreciate your time that you're giving and investing in coming up here. I want to thank you for listening, and I leave it with you. Thank you so much.

1:52

MR. ANDERSON: Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you, Pastor Cotton.

Has Dawson Reid arrived? No. Then the committee will invite Ron Charlet of The Royal Canadian Legion to the table. Welcome.

MR. CHARLET: Thank you. I appreciate the opportunity to speak to you today, and hopefully I haven't prepared too long a presentation. However, it is somewhat longer than the last one. I understand you have a copy of a draft that was sent by our provincial commander, Comrade Pete Morrison, and I will be covering some of that in my presentation as well.

Canada is at a really critical point in her short history, perhaps the most critical. We have weathered many storms and achieved much in our years of Confederation, but all our successes may come to nothing if we fail now to find some means of remaining one nation. The Royal Canadian Legion is one of Canada's oldest, most respected national organizations and from the very beginning we have been pro-Canada, pro-unity. In fact, among the Legion's purposes as laid out in its Act to incorporate is a commitment to foster loyalty among the public and educate in the principles of patriotism, duty, and unstinted public service. With that as its guideline The Royal Canadian Legion has steadfastly remained committed to the principle that Canada must remain a united country.

Having said that, the Legion is fully aware that the current political climate in Canada will not permit a status quo approach to the unity challenge. We must be prepared to accept change if we are to remain one nation. But change must be balanced. The current tendency to give precedence to individuals' rights over those of the majority is particularly disturbing because it implies that individual needs must be met regardless of the implications for the greater community. This situation extends to federal/provincial negotiations. We have already seen many instances where, as is invariably the case, efforts to accommodate everyone inevitably satisfy no one. All parties must be prepared to compromise.

Why one Canada? Of the questions being asked about Canada's future, the most valid is the simplest. Why should the country remain united? There are many reasons, but perhaps one of the most compelling is the need to demonstrate maturity as a nation at a time in history when much of the world is either in transition or in turmoil. As one nation Canada has gradually earned a position of prominence in the world. Our effectiveness as a middle power is a direct result of our rich economy and our well-established traditions of fairness, democracy, and responsiveness to the needs of other members of the international community. The respect Canada commands internationally allows access to the world's inner councils where we enjoy considerable influence in shaping the world, influence, some might say, which is greatly disproportionate to Canada's relatively small population.

Were Canada to develop an overly decentralized structure or split and become two or more political entities, none would command a fraction of the respect or influence Canadians currently take for granted as citizens of one nation. Canada's effectiveness at the international conference tables on trade, commerce, finance, defence, and the environment would be merely that of its parts not of the whole. From a strategic point of view Canada occupies a significant geographic position, situated as it is between the United States and the Soviet Union but with strong and growing links with Asia and Europe. A united Canada is able to conduct credible negotiations with these world giants and in the process gain benefits which favour all Canadians. A divided Canada would be totally at the mercy of the major players on the international scene who would undoubtedly take every opportunity to exploit each of the separate parts of a former Canada for their own self-interest.

If Quebec leaves Confederation, other provinces or groups of provinces might too easily follow. Some suggest as many as five countries could evolve. What influence could a collection of minor states hope to wield in negotiations, for example, concerning an arrangement such as free trade with the United States and Mexico? From the external point of view it is certainly in the best interests of all Canadians to remain united and strong, for only in that way can we continue to compete effectively in the international arena and enjoy the influence, prestige, and wealth we have gradually earned during nearly 125 years of nationhood.

What of international considerations? Quite simply, one Canada properly governed could be virtually self-sufficient. We are one of the most resource-rich nations on earth, with almost limitless potential. One united Canada has the capability to achieve that potential through mutual support and combined productivity, but this will never be accomplished as a divided nation. There would also be a compelling need to consider the impact a disintegrated Canada would have on the delivery of bilingual services to those areas such as eastern and northern Ontario, New Brunswick, and parts of Manitoba. How would these areas fare in an overwhelmingly English environment? By the same token, what would be the effects on any one cultural minority, in this case Quebec, of life among 300 million English-speaking North Americans without benefit of the protection currently enjoyed in a united Canada?

The possibility that one province's separation may prompt others to follow suit must also be acknowledged as a possible consequence of separation. Rather than two sovereign nations separation might very well lead to as many as five or six individual states, any or all of which might ultimately submit to the strong pull of the United States.

Our current political structure is certainly flawed. There is duplication, often triplication throughout the bureaucracy. Many politicians are regarded in a negative light and perceived to be motivated primarily by self-interest and partisan considerations, but Canada has achieved greatness because Canadians have always managed to work together. The ability of Canadians to arrive at constructive compromises has created a tradition of success in overwhelming obstacles. To give up now just because solutions to problems do not come easy would be to admit the most shameful defeat. Clearly, Canadian unity must prevail for the good of all.

The Legion's position on Canadian unity. Nowhere has the Legion's commitment to unity been more clearly stated than in the resolution passed at the 33rd biannual dominion convention in Vancouver in 1990. Convention delegates from all provinces and territories soundly resolved to marshall all necessary resources to maintain Canada as a complete entity and to exert maximum Legion influence to ensure better understanding between people of the legitimate needs of one another so that finally and soon all Canadians will decide to continue to enjoy the benefits of a united Canada.

The current problem extends beyond the relationship between any one province and the federal government. With this in mind and with the full understanding that changes will be needed if we are to achieve the goal of continuing unity, The Royal Canadian Legion supports the following.

First and foremost, Canada as a strong, united, democratic nation.

Guarantees of individual freedom and minority rights with the understanding that those rights and freedoms are conditional upon the acceptance of the obligations and responsibilities which must accompany the rights granted all citizens of a free, democratic, and sovereign nation.

Two official languages, French and English, at the federal level.

The need for elected federal and provincial officials to establish the necessary political framework for the continued existence of Canada as a united nation.

A simplified amending process for the Constitution which will permit those constitutional changes acceptable to the majority of Canadians that are necessary to maintain Canada as a strong, united, and democratic nation.

The Legion remains committed to one united Canada, and its members will exert their influence at every level of Canadian society in a concerted effort to promote unity and remind Canadians everywhere of the valuable legacy we are so close to losing. As in all matters, the Legion will take a nonpartisan approach to the unity challenge.

Given the current political reality in Canada, the Legion believes that the nation needs a new Constitution. That Constitution should include provisions for a central government with full power over specific areas, some of which should include external affairs; national defence and territorial security, including control of the national economic zone, the 200-mile limit; international trade; monetary policy; transportation; economic equalization; and customs and excise. The following areas would be managed on a power-sharing basis by the provinces and the federal government: health and welfare, immigration, and environmental issues. Provincial areas of responsibility could include such areas as education, employment, fisheries and natural resources, and agriculture.

2:02

The new Constitution should contain a workable amending formula which does not grant unilateral veto powers to any one signatory. All powers granted to one province should be available to all if they want them. A new blueprint for Canada could also address traditional weaknesses. For example, provision could be made for national bilingual education, and senate reform could finally become a reality. But action is needed now. The federal government must immediately take constructive action to bring about a meaningful, realistic, intergovernmental dialogue on the unity issue. An essential first step would be the public release of a clear, unadorned statement on the probable consequences of separation. Such a statement must address judicial, economic, international, monetary, and environmental issues. It must also make clear the fact that separation would involve no inequitable generosity to those provinces which choose to leave Confederation.

At the same time the federal government must establish a high-level committee on Canadian unity to work with the provinces, especially those which have not yet developed their ideas on the future shape of Canada. But contributions from all provinces would be welcome. This body must work to achieve consensus on a constitutional proposal to serve as the framework for Canada's future as one nation. Having outlined the consequences of separation and developed a proposal for constitutional reform, the government must then conduct a national referendum on Canadian unity. The outcome of the referendum would provide the mandate for all future federal government actions on the issue of Canadian unity. All this must be done soon so that the implications of separation are clear to all factions before any decision on Canada's future is taken.

Until recently, only one province has set its unity agenda, and the rest of the country has reacted. Many Canadians have never considered what it would mean to be simply a citizen of Ontario, prairie Canada, maritime Canada, British Columbia, or the First Nation. By the same token, no effort has been made to explain what life would be like in a sovereign Quebec, a Quebec with no transfer payments, no access to Canadian economic assistance, no military means of ensuring the maintenance of sovereignty, no credible voice in the international arena, and no effective protection from the insistent pressures of the United States. The attitude of all Canadians might change dramatically were they to face the true implications of life in a separated and disintegrated Canada. A divided Canada would find its international voice muted or silenced on subjects of vital future interest. Cultural distinctions and traditional values would quickly be eroded. In this regard Canadians would do well to consider the history of the Balkans, India/Pakistan, and Bangladesh, as well as much of Africa before embracing the notion that separatism is a positive, progressive option.

The current threat to Canadian unity is real and imminent. It is up to Canadians everywhere to take a stand for Canada and to work towards a goal of one Canada. By being united ourselves and stating our position loudly and frequently, perhaps we can convince our political leaders that there can be no future course but Canadian unity.

In addition, I have just one little comment. Recently I was at a district rally, and Comrade Pete Morrison was there. He said, you know, it's a shame that back when he was in the war and they were overseas very endearingly they used terms such as "stubble jumper", "frog", "herring choker", and it was a real term of endearment and now it's not.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Ron.

Nancy?

MS BETKOWSKI: Well, thank you for the very strong statement of Canadian unity by the Royal Canadian Legion. I think it's very masterfully presented and very well done.

I have two questions. The first is with respect to calling for a simplified amending process in the Constitution. One of the things we've heard is, really, both sides of this issue, but people who don't argue for a simplified process argue for a difficult one in order that it can't be too easy to amend the Constitution. I just wondered why you had argued for the simplified.

MR. CHARLET: As with too many things, the bureaucracy, the red tape if you will, gets too extensive and doesn't allow us to make positive, pro-choice decisions.

MS BETKOWSKI: Okay. The second question I have is: we've had quite a lot of discussion before the committee on improved models, democratic models, if you like; in other words, ways in which Canadians could participate more directly in issues that we perhaps were content 20 years ago to leave to governments. You mention your support for Senate reform, and that may be one model we can use to balance minority versus majority, as you point out in your brief. Are there other mechanisms that you think might be institutionalized in Canada in order to give Canadians a stronger sense that they're actually involved in the process more?

MR. CHARLET: I believe that on major issues – the free trade issue, the GST – referendums may very well work. There have been a number of people I've talked to – friends and family across the country – that have felt that their elected officials voted according to the party and not according to their constituents, and that caused them a lot of concern, and it causes me concern as well.

MS BETKOWSKI: Okay, so that begs the questions then: if there were an issue important enough to call a referendum and the majority of Canada – let's, for the sake of argument, assume that might be in the central part of Canada – were to vote one way, and the provinces, for example, Alberta or British Columbia would vote another way, isn't that creating the tyranny of the majority that we've talked about?

MR. CHARLET: Yes, I believe 60 percent of the population lives in Ontario and Quebec, and yes, that does cause a lot of concern. I'm not sure what the answer is to that. I don't like the idea. I'm originally from Ontario, but I don't like the idea of a small portion of the country having that much say. I'm not sure what the answer is to that, but there's got to be a better solution.

MS BETKOWSKI: Well, if you have any ideas, we're certainly struggling with it, too, to try and enhance the democratic model.

Thank you very much; excellent presentation.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Yes. Thanks for your brief, Mr. Charlet. It's really encouraging seeing an organization like the Canadian Legion expressing the viewpoints you've expressed here today.

It seems to me that your concern about balancing the individual and the collective rights comes down to just exactly that: the task is one of balancing competing interests, because there are legitimate interests to be balanced, and we may not always strike the same balance at different points in history. One of the things that you've indicated some support for is this concept of a Canadian mosaic. I gather from your comments that you support the linguistic duality of Canada but at the same time the multicultural multiplicity, if I can put it that way. You have to balance those interests.

I take it, then, that you feel the present situation with respect to official languages is working relatively satisfactorily?

MR. CHARLET: At a federal level, yes.

MR. CHIVERS: At a federal level. And, of course, you appreciate that where bilingualism is at the present time is at a federal level, except for the province of New Brunswick.

I'm wondering. You'd expressed some concerns about party discipline and party politics influencing decisions, the lack of freedom to vote in accordance with conscience. This is something we've heard from many, many presenters with regard to concerns about it. It struck me over the weekend that one of the ways of focusing the dilemma is perhaps to look at municipal government. I'm sure that coming from Fort McMurray you have some experience with a municipal system where there isn't party discipline. Do you share the concerns I have with respect to that model of government; that, in fact, at that level people are able to vote according to their conscience, and what you end up with is no predictability since you don't know which way any particular individual is going to come down on any issue that might arise? Is that also a problem?

2:12

MR. CHARLET: As a Canadian citizen, not as a Legion representative, I have a concern in Fort McMurray itself that right now our councillors are not from a particular area; they don't have a riding as they do in Edmonton, that type of idea. So if I don't have a person representing me specifically, I have to contact every individual, whereas with an MLA, an MP, or if you're in a city where the aldermen or councillors have a particular riding, then you can approach that individual. If there's an area that feels strongly one way on a particular issue, then my belief is that the person representing them should be voting that way regardless, sometimes, of personal beliefs or of party politics.

MR. CHIVERS: I understand that. The difficulty, of course, to give a current example, is that each of the people that come before this committee express what they feel to be the viewpoints of a group they represent, and in many cases they believe those viewpoints represent Albertans generally. Now, we as politicians have to choose between these competing claims to representing the majority viewpoint, and the difficulty is: how do we go about doing that? How do we make that kind of decision? If I viewed my role as being a representative who was committed and exclusively required to represent the views of the majority of my constituents, how do I go about knowing what those viewpoints are, what the majority viewpoint is?

MR. CHARLET: Well, hopefully, either they would be contacting you or you would have a way of contacting them, and you would be able to understand where they're coming from or know what their viewpoints are through contact.

MR. CHIVERS: Some sort of direct democracy type of model, which would mean that they would be able to communicate with me in a fashion that would give me their, in a sense, instructions on the basis of majority support?

MR. CHARLET: I believe that deals, you know, more with major issues. I think there's a lot of, maybe, day-to-day things that you would deal with whether they come under party politics or whatever. That is understandable, and you know, it's a sort of given. There are issues that are of major concern, and I believe that when they come up, the people do let you know. If they don't, then it's their own fault, I guess you could say in a way, but they're also going to be mad at you. You're in a catch-22 situation; there's no doubt.

MR. CHIVERS: What I'm finding in my short time is that while many of my constituents will consider something to be a major issue, others will consider it to be relatively unimportant. So it's a very difficult process unless we have some sort of direct democracy model, and that seems very difficult in our tradition and given the geographic and population constraints. It seems very difficult to institute a direct democracy model, and I gather from your comments that you wouldn't want us to have a referendum on every issue, although on the Constitution you did indicate you feel that's something we should have a . . .

MR. CHARLET: No, I don't agree that we would go to referendum on every issue, because we would be having a vote every day, sort of, you know . . . .

MR. CHIVERS: Finally, you mentioned the Quebec situation and language rights, and I'm wondering what your feelings are with respect to aboriginal rights, aboriginal self-government, many of the issues that are facing aboriginal peoples today.

Does your organization or do you have any viewpoints in those areas?

MR. CHARLET: I guess I would prefer to speak as a private citizen as opposed to representing the Legion on that.

MR. CHIVERS: Certainly.

MR. CHARLET: There are a lot of issues surrounding aboriginal rights and self-government. Some that I've heard I am in support of. There are times when I've questioned myself as to how far you go on things, and I guess I'm not really sure. I agree that aboriginal people have or maybe should have more rights than certain immigrant groups; however, I'm originally from a small town in Ontario of 3,800 people. Out of that 3,800 people there were probably 10 different ethnic backgrounds, and they're all very strong within the community. So does the community say, "Well, we're going to have 10 official languages"? I'm not sure where you would, you know, want to draw the line on something like that.

MR. CHIVERS: I appreciate your difficulty. What I was wondering, though, is if you favour some sort of recognition of the special status of aboriginal peoples, a constitutional recognition of . . . For example, you've supported recognition of distinct status for Quebec to a certain extent, particularly with respect to language. What about aboriginal peoples and recognizing them on a constitutional level with some sort of distinct status?

MR. CHARLET: I guess at this point there is already some recognition in place, and I am in support of that. I agree totally with aboriginal peoples having the support and backing of government and helping. I guess I'm not sure how far . . .

MR. CHIVERS: You don't know how to draw the balance.

MR. CHARLET: That's right.

MR. CHIVERS: I appreciate your difficulties. I share them. Thanks very much for coming today.

MR. DEPUTY CHAIRMAN: Mr. Day, followed by Ms Calahasen.

MR. DAY: Thanks, Mr. Charlet, for representing both the Legion and also your personal view as you stated from time to time. I appreciate your taking the liberty to do that. I need clarification, if I can, on two official languages. You talk about supporting it at the federal level.

MR. CHARLET: Yes.

MR. DAY: Could you clarify that? Does that mean, for instance, the policy as is now enacted, the official policy on bilingualism, that in a province like Alberta where French would probably not even be in the top five in terms of languages used – I think it makes the top 10. But where a tiny minority speak French, are you saying, then, that somebody applying for a federal civil service job in Alberta would be required to be bilingual and that, for instance, the RCMP detachment in Sylvan Lake is required to answer the telephone, "Bonjour"? You are in full support not just of a concept of two official languages but the way in which it is being enacted presently?

MR. CHARLET: I've personally – again, not as the Legion representative . . .

MR. DAY: I appreciate that.

MR. CHARLET: I have wondered on occasion, when I phone the Canada employment centre or the RCMP, why the French language, because here in Fort McMurray we have a fairly strong French community, probably more so than other parts of the province, but at the same time I don't know if it's that strong a community that would justify that. I mean, I could see the Cree language being used rather than French in this community because we have a very strong Cree population here as well. So again, I'm not sure which way to go. Because it is a federal office, the requirements at this point are that they use French because it's the federal language.

MR. DAY: I appreciate that that's murky. I wonder if you have a feeling as far as once it begins to be acted out; there is a difference between just saying two official languages. I appreciate the difference you've drawn or the presentation has drawn between federal powers and jurisdictions vis-à-vis provincial. What is your suggestion? You say there should be some that are federal, some that are strictly provincial, and then some that are shared. In the area where they're shared, what do you do when you come to a saw-off?

For instance, you mentioned that you feel immigration should be a shared jurisdiction, provincial and federal. Let's say a province, let's say Alberta wants to draw from the immigration pool because of certain technological advances and labour demands that are highly skilled, yet it's a shared area. The federal policy would be, "No, you can't draw significantly from that pool." Or let's say Alberta, being sufficiently advanced, says: "We want to think strictly in terms of social impact. We want to draw from the pool of immigrants that are not educated, that need a place to come to for opportunity." The feds say, "No, you have to take from the business immigrant pool." I'm just tossing some examples. What do you do in a shared jurisdiction when the two are like this? Who holds the hammer?

2:22

MR. CHARLET: Well, I don't know who holds or who should hold the hammer. There again I guess it goes back to the fact that if we're going to be able to work together and stay as a united country and hopefully nobody's holding a hammer, we will learn to compromise and work things out together as opposed to coming to loggerheads.

MR. DAY: So when you're saying "shared," you would present it that way, shared, and not define it, and leave it to negotiation if it came to those difficulties?

MR. CHARLET: I'm not sure . . .

MR. DAY: In your shared jurisdictions you're saying nobody has the final say. Work it out. Compromise. Negotiate.

MR. CHARLET: I would hope that could work, and it may not. Like the example you're saying, if you want a particular sector of immigrants, you could very easily come to a noncompromising position. However, hopefully you would be able to work it out.

MR. DAY: I appreciate your response to these. We're not trying to give you questions we know the answers to. We don't, so we're saying, "Help us."

MR. CHARLET: Okay.

MR. DAY: Thanks very much.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. A few questions relative to I think some of the questions that have already been asked, but I'd like to sort of follow through on some of them.

You mentioned a referendum done nationally that has to do with the Constitution. I think any time you do a referendum it's really very difficult to be able to get the kind of answers you require or at least some sort of direction as to what should be happening. One of the most difficult things I think is always in the questioning. Who would then be responsible for writing the questions which would be needed for any kind of referendum on a constitutional basis?

Just to follow through on that maybe. Should the provinces then be involved in question writing, should it be the lawyers, should it be the Members of Parliament, or should it be a particular group with administrative capabilities who should do that? I'm not sure who would be responsible for writing the questions in order for us to be able to get the information we require to get the Constitution in terms of what we want.

MR. CHARLET: Personally I would like to see it worked out with representatives from the federal and provincial governments, possibly with some lawyers involved. I'm not sure. I think you have to have an even cross section, because if you don't have that cross section, you're going to be asking a question here that has absolutely no relevance because it's directed towards somebody in Quebec or on the east coast or vice versa. You have to have a cross section, I guess, mainly of the people in politics who are making some of the decisions.

MS CALAHASEN: So you'd say, then, it should be the elected representatives who are on that particular question writing situation should there be a referendum of any sort.

MR. CHARLET: Yes, I think the elected officials would be best, because if I know it's happening and I have something I think is a strong question that should be asked, then I would in turn write a letter to my MLA and say, "This is something I would like to see asked."

MS CALAHASEN: Okay. That's a very difficult one I think in terms of any time you want referenda. It's always very difficult to determine who's going to be the writer of the questions, and that's the most difficult end.

The other question I wanted to ask was on the aboriginal issue situation. Should the aboriginal people be recognized as founding peoples like the French and the English? I think I asked this before, not with you, but I would like to know what your view is.

MR. CHARLET: As a founding people?

MS CALAHASEN: As a third founding people. Like we say the French were the founding nation, and the English were a founding nation. What about the aboriginal peoples? Should they be recognized as a founding nation as well as the other two that we have?

MR. CHARLET: Not having any real background in it, I would think they should have, yes. They were here.

MS CALAHASEN: Okay. I know it's a difficult question, and I think we're just trying to clarify some of our own views in terms of how we represent the different issues that we have to bring out.

The other question following on that is: if the aboriginal peoples are recognized as founding peoples or a founding nation, regarding national bilingualism, how do we include the native people's languages within the particular multilingualism, if you want to call it that, or how would you propose that could be done? I know you've discussed the bilingualism aspect in terms of French and English.

MR. CHARLET: Right. I think that's a really difficult situation to be in. My parents are originally from Belgium, and I had the opportunity to go over there and visit. It's a very small country, but it seems like every three or four miles you go is a completely different dialect, and it's very difficult to understand people 10 miles down the road. Unfortunately, I think a lot of the natives have the same, the different dialects or different languages, the Cree, the Chip. That causes some major problems that way. So if there could be a common ground found, I don't know. Maybe English or French is a common ground that can be worked with. Maybe there is a third language that could be considered. I don't know.

MS CALAHASEN: Regarding national bilingualism, the jurisdiction. I think it was addressed by one of my other colleagues in terms of who should determine what languages should be spoken nationally. Should it be the federal government who has sole jurisdiction, or should there be that shared responsibility in terms of which language should be recognized within the provinces, or how do you feel it should be done?

MR. CHARLET: In a provincial . . .

MS CALAHASEN: Provincial as well as the federal, in terms of even the way the languages are. I think they brought it out. In the west there's really not that much French. In the east there is a lot of French. Should it be done nationally in terms of saying everybody should speak French and English, and then people who are not French-speaking in the western end of the world should have to speak French or learn French in order for them to access jobs of that nature? Should that responsibility be on the federal scene, should it be on the provincial scene, or should it be a shared responsibility?

MR. CHARLET: I think I've basically stated that it would be shared in the fact that on a federal level the French and English are there and should be there as bilingualism. The provinces themselves could come up with their own . . .

MS CALAHASEN: Regional.

MR. CHARLET: Yes, basically.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: John, followed by Sheldon.

MR. McINNIS: Thank you, Mr. Charlet. On the point of bilingualism: are you aware that the people in Quebec never really demanded the type of bilingualism that Stockwell Day's talking about? I don't think it was really important to people in Quebec that somebody in the Sylvan Lake RCMP detachment say "Bonjour" when they picked up the phone, that in fact that was done by some federal politicians from Quebec, as the coalition was at the time. They felt that was a way to deny the uniqueness and I suppose, even though the word's ambiguous, the nationality of people in Quebec.

I've been thinking a bit about the nation of Switzerland where they have not two but three official languages, but they tend to operate within each of the areas geographically. There's a French zone, a German zone, and an Italian zone. Now, thinking of our situation, do you think that's a model we might look at in terms of how we apply bilingualism in the future, rather than trying to extend French services everywhere across the country, to try and do a better job at it where there are French-speaking people, as in Quebec?

MR. CHARLET: I don't think there should be any concern from anyone as far as having a look at that as an option. I think all options at this point in time should be looked at and all our bases should be covered so to speak.

2:32

MR. McINNIS: Fair enough. If I could just switch ground a little bit, I'd like to ask about, I suppose, what makes us Canadian. It seems to me that in the last seven or eight years the federal government has wanted to move away from being involved in traditional areas of provincial jurisdiction such as education and, in particular, health care, a sort of dismantling of some of the national programs. Disentanglement, I think, is the term that's used. Do you feel – I'm just trying to extrapolate the Legion's position – that it might be better for us as a country in terms of identifying as Canadians if we had more national objectives or more, I suppose, programs that all of us as a country would attempt to get behind?

MR. CHARLET: I'm not sure I understand the question.

MR. McINNIS: Well, perhaps I can give you one example: the idea of, say, a national standard in education, or national goals, where we want to achieve certain things, say a certain percentage of high school graduation, a certain competence in science or in mathematics, and perhaps even a national achievement standard such as you would have to achieve in order to obtain a high school diploma.

MR. CHARLET: There are certain areas where I would think an overall goal would be a positive way of having some follow-up. Right now I have a foster son who just graduated on the weekend. He was looking at going to the University of Waterloo in Ontario, and before he can go there, he has to do his first year at Keyano because some of the grades that he has aren't, in their eyes, high enough, because Ontario has a grade 13. Now, I think Newfoundland has or used to have only as far as grade 11. Maybe whether it's to grade 11 or grade 13, there should be some sort of uniformity there for the good of the students who do want to go on to universities and colleges in some other province.

MR. McINNIS: If we had that uniformity and the ability to bring your qualifications from one province to another, do you think that would help us identify more as Canadians?

MR. CHARLET: It sure couldn't hurt.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. In light of your support of guarantees for individual freedom and minority rights, is it fair to say that you're by and large supportive of an entrenched Charter of Rights? I think you heard our discussion with Pastor Cotton with respect to the notwithstanding clause, the provision that allows provinces and indeed the federal government to override the Charter in certain instances as opposed to the alternative of leaving the courts have the final word. Do you have a personal instinct or position with respect to whether or not we should have that notwithstanding override?

MR. CHARLET: Not knowing it well enough, I wouldn't really want to comment.

MR. CHUMIR: Okay. I want to ask a wild-card type of question here. Aside from congratulating the Calgary Flames supporter, it makes me feel right at home. We had a suggestion from an individual in our Calgary hearings over the weekend that perhaps for the sake of administrative convenience we should amalgamate the provinces of Alberta, Saskatchewan, and Manitoba into one large province. As a transplanted Albertan, I'm just wondering whether you have any instinctive feel as to how that would appeal to yourself and how it would appeal to other Albertans.

MR. CHARLET: Well, I've worked with a lot of people from a lot of different provinces. I've mentioned a couple of times here already that I'm originally from Ontario, but I'm an Albertan right now, and I kind of like it that way. I guess first and foremost I'm a Canadian, then I'm an Albertan, and I don't think I would want to see that change.

MR. CHUMIR: You've talked about a united Canada, and we've also heard some suggestions with respect to the division of powers which indicate you want to have a pretty strong federal government with a lot of muscle, with which I happen to agree. Quebec is arguing for a different type of Canada with most of the powers, significant powers, in the hands of the provincial government. How far, in general, should we go? This is a very difficult question, but I'd just like some kind of instinctive feel from you. How far do we go in the direction of accommodating Quebec in order to keep them in if we're faced with this tough position of decentralizing to an extent which would weaken Canada? Either it wouldn't be strong on one hand or we wouldn't be united on the other.

MR. CHARLET: Well, I think there has to be a lot of room for compromise. Unfortunately, I believe that at this point in time the Canadian public is to a certain degree misinformed about what's really happening. There are a lot of people in Quebec who think Albertans and western Canadians absolutely hate them, and there are a lot of people here who think Quebeckers hate us. Unfortunately, that's been blown out of proportion by the media, and it's to a point where a lot of people don't really know what people here or there feel. I just started this morning to attempt to put the wheels in motion to contact a Legion branch in some city in Quebec of approximately the same size as this one and try to work on an exchange program of possibly some of the political leaders and the city leaders as well as some students. Maybe we can learn that we're all pretty well the same people, and we're all Canadians. Hopefully we can pull together by doing something like that.

MR. CHUMIR: Great idea. Let me endorse that.
Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Ron, today we've pretty well asked you to solve all the problems of the country, so I'll continue with that since you seem to have a few of the solutions. Before getting to a couple of the more macroquestions, though, in dealing with the division of powers question – which Mr. Chumir and I seem to get into in most of these presentations – I heard you say, as well, that you believed in a strong federal government in certain areas, in terms of defence, in terms of the economy, and so on. I also heard the other side, though, in which I thought you felt there should be strong provincial powers to deal with those areas that the province should deal with as the government closer to the people. Is that an accurate description of your feelings? Is there that belief that there need to be strong provincial powers as well as some of those federal ties?

MR. CHARLET: Oh, yes. In order to have a strong whole, we have to have strong parts. The stronger the parts, the stronger the whole.

MR. ANDERSON: Do you see Canada as that, as the stronger parts making up that strong country? Or do you feel, as some do, that that can only happen if there is a central government which has more control over those individual entities?

MR. CHARLET: I guess it's where the divisions lie. The federal government has to be strong in its areas as well as the provincial government. If we can get the support and the co-operation of working together even province to province, let alone province to federal, we'll be better off.

MR. ANDERSON: So that's where you'd put the emphasis: on the co-operation between the provinces.

MR. CHARLET: Absolutely.

MR. ANDERSON: Thank you. In terms of having you solve some of the more major problems, are you pleased generally with the political system that we have – in other words, how we operate as a party system, the adversarial style of government, the British style – or should we be considering radical changes to how we govern ourselves as we look at the overall constitutional needs of the country?

MR. CHARLET: I think we can look at changes. I don't know if I would want to use the term "radical" changes. I think if you go that strong, then you're probably going to scare a lot of people more than anything else, and if you do that, it's not going to be beneficial either.

MR. ANDERSON: Anything offhand that you would advise us to look at as far as changes to the political structure go?

MR. CHARLET: No.

MR. DEPUTY CHAIRMAN: Mr. Day advises that he has a short supplemental.

2:42

MR. DAY: Just very briefly. I think Mr. Anderson may have clarified it, but I want to hear it for sure. Mr. Chumir being a lawyer has a natural, well-developed tendency to lead a witness. He casually tossed out there: so you believe like I do in a strong central government with lots of muscle. Correct me. I thought I heard you say some areas of federal jurisdiction, some of provincial, and some shared. Is that your . . .

MR. CHARLET: Yes.

MR. DAY: Okay, thanks. I just wanted to clarify that.

MR. CHUMIR: Did you agree with the strong federal government with lots of powers in certain areas?

MR. CHARLET: In certain areas they have to be strong, as do the provincial governments.

MR. McINNIS: Is muscle a federal or a provincial responsibility?

MR. DEPUTY CHAIRMAN: If there are no further questions, thank you very much, Ron. We certainly appreciate the effort you've made to give us a very good presentation.

MR. CHARLET: Thank you very much.

MR. DEPUTY CHAIRMAN: The Chair would advise that the mayor of the city of Fort McMurray has arrived, and we would like to recognize Her Worship Betty Collicott. Thank you very much for visiting us this afternoon. If you'd like to say something a little later?
We have an unscheduled presenter that we should call on now, and that is Frances Jean. Welcome. Nice to have you with us.

MRS. JEAN: I don't have a well-prepared brief.

MR. DEPUTY CHAIRMAN: You'll speak from the heart.

MRS. JEAN: That's right.

MR. DEPUTY CHAIRMAN: That's good.

MRS. JEAN: I didn't think I should let this visit to our city go by without saying some of the things that I feel are important to myself as a Canadian. I'm not representing anybody except myself. We own a family business in Fort McMurray, and that's about all the background you need, I think, to judge what I have to say. I made a few notes.
I would like to see a united Canada: a union of provinces all with the same privileges, the same responsibilities, and the same conditions. I would like to see Quebec stay in Canada but not at the expense of the rest of the provinces. We should have

strict equality among all parts of the Confederation, whether Quebec, the native population, or new immigrants.

As for the French language question, this language should be respected and used in all areas where it is spoken in homes as a first language, but the government should stop spending so much money trying to infiltrate and enforce French into areas where English is basically the only language spoken. By taking emphasis off promoting the French language, we will cease to generate so much animosity amongst many Canadians, and as well we'll help reduce expenditures.

The debt of this country is very detrimental to all of us now, and it will become even more so in the future. Government should stop funding special-interest groups, including women's groups, cultural sections, and they should also stop subsidizing business interests.

Over the next decades immigration will probably increase dramatically. These immigrants should be welcomed to our country and should be willing to make a commitment to their new country. Let them retain their customs and cultures as they wish but not with government funding. Rather than the government encouraging pockets of different cultures within the country, let each retain what they wish. In the process of assimilation, the total culture of our country may change, and hopefully we'll pick up the best traits from many countries. Then we will have a truly Canadian culture, not a mishmash of many imported and sometimes irrelevant customs which we as taxpayers pay for.

For the protection of western and eastern provinces, we need the balance of a Senate such as the triple E Senate which is proposed, and I think this is very important to keep a united country.

Throughout my life I've been proud of our Canada. Now as I am getting towards the end of my life, I'm afraid for my country. It's not just the question of separation, but we're letting down our moral principles. As well, our country has a horrendous debt. Unless all of us, government, business, and individuals, conquer that debt and pursue the moral and ethical standards that built our great country, there is little hope for the country or for us, its people.

MR. DEPUTY CHAIRMAN: Thank you very much, Mrs. Jean. Dennis.

MR. ANDERSON: Yes, thank you. I think it was very well put and your points very well made. Just a bit of clarification. You mentioned doing away with subsidies on businesses and on cultural activity. Do you feel that should be an absolute? In other words, if there's a need to have shares in a tar sands plant in Fort McMurray, should the government not be involved in any way in that? Or if there is a cultural industry which can attract dollars and jobs to a given area, a tourist area in some part of Alberta, should we not be considering that?

MRS. JEAN: I was afraid you'd ask me that question. I think the government has got to look at it as a business proposal. If in the long run it is going to make money for the people of the area, for the taxpayers, then it certainly should be considered, but just to be putting money to subsidizing business, small business or big business, I think that's totally wrong.

MR. ANDERSON: Fair enough.

MR. CHUMIR: Mrs. Jean, one of your suggestions was that immigrants should be able to retain their culture but not with government funding. One of the means by which groups from time to time request government assistance is with different ethnic, cultural, linguistic, religious schools where they will be able to maintain their culture. Would that be something you think should be supported by public funding, or is that something that should again come within your general principle of individual groups looking after themselves with our funding going to the more traditional types of schooling?

MRS. JEAN: No, I don't think the taxpayers of Canada should fund that sort of thing. I do think that if they want that for their children, they should be prepared to pay for it.

MR. CHUMIR: Okay. One of the fundamental questions we've been dealing with and I've been asking all presenters relates to attitudes towards a strong central government versus decentralization. I'm wondering, in respect of issues like medicare and social services, whether you feel that there should be, as now, minimum federal standards for all Canadians across the country, or whether you think we should be looking at moving in a direction of the provinces taking over more and more of these powers, taking them away from the federal government? Do you have a general feeling with respect to divisions?

MRS. JEAN: I haven't considered that. No, I'm sorry; I don't really have an answer.

MR. CHUMIR: Could I ask maybe something? The previous speaker indicated that he considered himself to be Canadian first and Albertan second. Would that be your sense, or would you consider yourself an Albertan first and a Canadian second?

MRS. JEAN: Probably Canadian first but certainly very strongly Albertan. I am sorry to see the way we have been treated in subsidizing the rest of Canada moneywise over the years. I think we need to be a little bit stronger for ourselves so that we are treated as an equal partner with the rest of the provinces.

MR. CHUMIR: Thank you.

MR. DAY: You mentioned, Frances, some concern with how the policy on French language is enacted around the country. Am I interpreting, then, that you feel there should be provincial jurisdiction in some areas?

MRS. JEAN: Definitely. It's absolutely ridiculous that when I phone the RCMP or Canada employment, the girl answers "Bonjour." She doesn't speak a word more of French than I do. It's a ridiculous gesture. In an area where English is the first language, we should not be wasting our money by putting the education and everything else that we are doing in order to – even the amount of paperwork I get where it's partly English and partly French. You know, half of it's thrown away. It doesn't mean a thing to me. That's a total waste of taxpayers' money. The government should be trying to run like a business, and that certainly isn't businesslike.

2:52

MR. DAY: If I could just add that you mentioned that you're now near the end of your days. Well, unless you're expecting to get hit by a truck when you walk out of here, you don't look to me like you're anywhere near the end of your days.

MRS. JEAN: I feel like it some days. Maybe I'm just looking at retirement down the road.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Mr. McInnis.

MR. McINNIS: Thank you. Mrs. Jean, I was interested in your comments about subsidies of business operations – business interests, I think, was the term you used – from various levels of government. I wonder if you would agree with me that that tends to arise because you have politicians who are anxious to get economic projects under way and that they see it as kind of a quick and an easy way to make things happen just by providing a bunch of taxpayers' dollars to do it?

MRS. JEAN: It might be. We also see these subsidies often just before an election. One area where I personally think it's wrong is – not so much now that this funding has been taken out. In place they're putting in funding for education, which is probably important. But in the past in Fort McMurray, and I'm sure in many other Alberta cities, when people wanted to hire someone, they looked through a program to find some government subsidies so they could train that person. I know of many people who worked in an area for their training days and then were let go and somebody else was hired to be trained. When we need to hire somebody in our business, we hire them because we need them and can pay them ourselves rather than having government subsidize us.

MR. McINNIS: One of the other presenters at a hearing a few days ago suggested that aside from what's happening in the province of Quebec, which is admittedly different, some of the people who are pushing the hardest for more provincial powers are business interests who are seeking to negotiate for more subsidies and also on wage rates and labour issues. Do you have a perception along those lines or not?

MRS. JEAN: No, I'm sorry; I don't have a comment.

MR. McINNIS: Okay, thanks.

MR. CHIVERS: Mrs. Jean, many Canadians and many Albertans have been expressing concerns about environmental matters. Many of the people that have come before our committee in Calgary made representations with respect to those issues, and there was a feeling expressed that there should be some constitutional entrenchment of values protecting the environment. I'd just like to quote for you one of the suggestions: consistent with principles of sustainable development, each person in Canada has the right to clean air, pure water, productive soils, healthy fish and wildlife, and to the conservation of the unique, scenic, historic, recreational, esthetic, and economic values of these and Canada's other natural resources. Now, there's more to that proposal, but basically the idea was the constitutional entrenchment of a value to protect the environment based on a concept of sustainable development; that is, development that is compatible both with the need for jobs and the protection of the environment. Could you tell us what your feelings are with respect to that issue?

MRS. JEAN: I think it's very important, but I think you often see groups going overboard on certain issues. I think there has to be a definite balance between the economy and the environmentalists.

MR. CHIVERS: Yeah, that was basically what this presenter was suggesting, and he used the term "sustainable development" in order to balance those competing interests between jobs and the economy and the environment. He was suggesting there should be a constitutional protection of that right, and what I was wondering is whether you agreed, not getting into the debate of how you draw that balance but whether you felt there should be some sort of constitutional protection in that area.

MRS. JEAN: Well, I'm not sure about the constitutional protection, but I think we have to use common sense when we're dealing with the environment like we do with everything. There's no sense in protecting something where there are no people or when that sort of thing could be used to provide jobs, to provide sources of income. As long as we don't waste our resources, I think we have to be very careful to maintain a balance. I think people have to come before the environment. People should be first.

MR. CHIVERS: Thank you.

MS CALAHASEN: I'm sort of holding my breath, but just one question. You said a strong Canada. I think there was a question relative to what we should be: Albertans first or Canadians first? You brought out the strong Canada and equality in terms of Quebec, the native people, and new immigrants. How would you clarify the equality basis, particularly with native peoples? When we're looking at native peoples not being presently in the equality situation, how would we bring them so they are equal in a Constitution? How would we involve them in the constitutional talks?

MRS. JEAN: Over the years a lot of wiser people than I haven't had that answer, but I think by treating everyone equally. It may not come in my generation and your generation, but everyone should be on an equal basis without special status for certain people. If we're all Canadians and we're all treated equally – I may be wrong – I would think then that we may achieve the proper balance we're looking for.

MS CALAHASEN: So in that sense the aboriginal rights would not be included for the aboriginal peoples?

MRS. JEAN: What aboriginal rights are you talking about?

MS CALAHASEN: Like the trapping issue, the fishing, the hunting, the educational component which they now have in a treaty.

MRS. JEAN: Well, those treaty rights are in law, are they not?

MS CALAHASEN: Yes.

MRS. JEAN: So that's not something that we're about to take away, I would say.

MS CALAHASEN: It's a tough one.

MRS. JEAN: It's a very, very difficult one. I've done a lot of searching of my own mind on it, and I'm not just sure how it can be dealt with. I do think that the sooner they get into the mainstream of the rest of the country, whether they're immigrants, French-speaking or English-speaking people – and you see this with these people. The ones who have become modernized are in the mainstream of the rest of the community, and they are much more successful and much happier. Not to say that they shouldn't be trapping and hunting. You know, that's a wonderful life-style, but very, very few of them pursue it or are making a living at it right now. Most of the ones who are doing that are generally government funded.

MS CALAHASEN: So no entrenchment of aboriginal rights in that sense then?

MRS. JEAN: Are you talking about making a third nation?

MS CALAHASEN: I'm not sure. I'm just trying to find out what your views are in terms of should we have the entrenchment so that constitutional rights of aboriginal peoples are in, or should it be dealt with in another way? Should there be powers delegated to them in a different manner, and if so, in what kind of a manner would we do it? Those are the kinds of questions I'm trying to get some sort of a feeling on from people generally.

MRS. JEAN: I think you asked Ron about whether they should be as one of the founding nations. Yes, probably they should be considered as one of the founding nations because they were here and they were a founding nation, but then I think we all should be treated equally.

MS CALAHASEN: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Weiss.

MR. WEISS: Well, thank you Mr. Chairman. I felt I must respond to an exchange that had occurred with Mr. McInnis and Mrs. Jean. But I would comment that it's unfortunate the members are not aware of the makeup of the individual people who make the presentations and briefs, because I'm sure Ms Calahasen would have found it very interesting to know that Mrs. Jean's background and family are very much involved with trapping, having been trappers for years and part of this community. So it's not that they don't speak from some background, and I can assure you of that.

I just wanted to comment, though, that the words were in relation to business investment and subsidy, and I'd like to refer to her that there is a vast difference. In a major investment I believe government has a role and can act as catalyst. This community is an exact example of that, as an area of resource, and with regards to the technology, it never would have been developed unless government played a role in the development that the private sector couldn't do alone. I want to indicate that, because Mrs. Jean did say clearly, and emphasized, a return to the taxpayer. I think that's the quantifier or the clarifying point that I make.

I believe as well and endorse that there is a difference between a subsidy and an investment portfolio in the area of royalties and taxation benefits that we derive. All of Alberta, not just Fort McMurray, enjoys a specific quality of life-style and way of life and reduced taxation. Even though we in the city of Fort McMurray complain of our taxation, it still would be much higher if it hadn't been for the result of the overall investments in Syncrude and Suncor. So I wanted to clarify that, because there may be some misinterpretation as to should government be involved in the development of such areas as technology and resources.

Thanks very much for the opportunity.

3:02

MRS. JEAN: Thanks, Norm. You said that just the way I would have liked to have. Thank you.

MR. CHIVERS: Mr. Chairman, do we get to ask Mr. Weiss some questions?

MR. WEISS: Mine were comments as an observer.

MR. DEPUTY CHAIRMAN: Has that led to further supplementals? If not, Mrs. Jean, on behalf of the committee we'd like to express our appreciation for your very clearly expressed opinion on the future of our country.

MRS. JEAN: Thank you for listening.

MR. DEPUTY CHAIRMAN: The Chair has received notice that there is somebody who'd like to ask the committee a question. [interjection] Yes, please do. [interjection] Well, either one. You're quite welcome at the table. We may as well be friendly here. I guess just for the purpose of the record we should ask for your identification.

MRS. JOHNSON: My name's Mary Johnson, and I come as a private citizen as well.

MR. DEPUTY CHAIRMAN: Well, thank you.

MRS. JOHNSON: I would like to respond to a question that's asked within the circulated document, Alberta in a New Canada. It's in reference to the issue under bilingualism. The question asks:

> Should the Constitution clarify what it means by sufficient numbers to warrant public funding of minority language instruction, or should this be left to governments and the courts to address on a case by case basis?

I would just like to indicate that my experience with the impact of these unanswered questions would support that the Constitution qualify "sufficient numbers" or "where numbers warrant" prior to expenditure of public dollars.

I also feel that limited access to Francophone programs, which ties in with this issue, is a violation of an individual's rights. If we leave these statements unqualified, it allows for inequality in relation to educational allotments to occur at a time when many government agencies are having to be creative in relation to finding alternate ways of delivering services with decreased dollars. How can we leave this loophole open, where dollars can be expended on a child at two to three times a higher rate than my child would receive within the educational system? As Mr. Cotton indicated earlier, I think clearer clarification removes the ambiguity in relation to some of these issues. I think when we're talking equality, this is clearly an issue where we have to have an answer.

You indicated earlier that 10 percent of the population of children are in French immersion classes. I think I would like to ask back to you: why are they in French immersion classes? Is it because of future job opportunities, job security? Is it a message we're receiving from the federal government that in order to be eligible for certain job criteria, you must have two languages; that in order to move to Quebec or certain parts of

Ontario, you must be able to speak both languages? That's my question.

MR. CHIVERS: Do I get a chance to answer questions, Mr. Chairman?

MR. DEPUTY CHAIRMAN: Yes.

MR. CHIVERS: I think the participation of Canadians in French language immersion courses far exceeds the availability of jobs in the public sector. In fact, I think the total number of French-speaking positions all across Canada, and that includes New Brunswick, where it's a constitutional requirement for bilingualism on the provincial level, is something like . . . John, do you remember the figures? Is it 60,000?

MR. McINNIS: Something like that.

MR. CHIVERS: Yeah. It's a very small number of individuals. So I think there's a much wider interest in French as a second language than simply on the basis that in some situations you require that to obtain a job.

MRS. JOHNSON: You don't think it has anything to do with the fact that because there are two official languages, if we acknowledge the other requests that are coming from Quebec as a province, throughout the rest of Canada we'll all eventually have to have French as a second language for job security?

MR. CHIVERS: That certainly hasn't been the trend since bilingualism was introduced in 1969, over 20 years.

MR. CHUMIR: Well, this is a related question re schooling. Mrs. Jean, as you may have heard, expressed the opinion that individual ethnic groups, cultural groups desiring their own form of schooling should pay for it themselves. This raises the issue of funding of private schools and things of that nature. I'm wondering whether you have a view on that.

MRS. JOHNSON: I support what Mrs. Jean has indicated: that if a culture specifically wants to preserve their culture, then they should have the funds to support that. I don't think necessarily a language itself is a culture. If Canada has indicated that its two official languages – not cultures, but its two official languages – are French and English, then should we have to incur the cost to a small number, or where significant numbers warrant, of students in relation to the cost?

MR. CHUMIR: I'm referring to something other than the French situation, because that is something that has historical arguments. I'm referring to other groups – ethnic groups, religions – wishing to have their own schools seeking public funding and saying: "We want to advance our culture and our heritage and our religion. Therefore, we should get public funding." What would your answer be to that?

MRS. JOHNSON: My answer would be no. I think we as Canadian citizens have to stop at some point and recognize that certainly there are difficult cultures and they have the right to live their cultures, but within their own cost containment.

MR. CHUMIR: Would that relate to religions as well?

MRS. JOHNSON: Yes, I would say so.

MS BETKOWSKI: Well, as a former Education minister I have to get into section 23 with you. I appreciate you raising the issue. The issue of defining "where numbers warrant" has been one that's caused a lot of interest and concern, frankly. I guess the other side of the issue is that if you define a single number, even if it's one, then you are compelled to do something as opposed to what I think is more workable under section 23, given that it exists at this moment, and that is the concept of a sliding scale. If you've got this many numbers, it warrants a classroom, and this many, it warrants a school or a separate facility.

When we talk about the issue of portability, and you've heard a little bit of the discussion here today about being able to move from province to province, do you think that you as an English parent, if for whatever circumstance you move to Quebec, should have the right to have your children educated in English there?

MRS. JOHNSON: First of all, I think I should probably clarify that both my children are in French immersion.

MS BETKOWSKI: That's okay. Good; I'm glad. They're part of the 30 percent, actually, in Alberta that are kids in French education.

MRS. JOHNSON: I think we have to look at not just the question of would I want them educated in English. I think I would look at the question of what is to their best interest given the population base, given the longevity of the time I was going to be within the district. If they were having English taught at home and I felt that their English base for education was sufficient and that my husband and I could continue to enhance and support it, then I would probably say that it is to their enhancement, their job opportunities, and their future to have the second language, to have the fluency and the competency in it. So I don't know which choice I would make at this time. I would have to look at the situation.

MS BETKOWSKI: But what it sounds like you're saying is that given the linguistic environment in which they exist, people should have the choice; more an issue of choice as opposed to something imposed.

MRS. JOHNSON: Definitely. Imposing I don't believe works. I think there should be the choice, but I don't think it should be at the expense of all taxpayers that small numbers are allowed to have educational opportunities at the rest of the taxpayers' expense when there are so many other issues in relation to education that need to be addressed first.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: John.

3:12

MR. McINNIS: I should perhaps indicate that I have three children in French immersion as well, so there's a lot of it going around.

In Edmonton school systems we also have a Chinese school now; we have an Arab school; we have a Ukrainian school. I don't know if there's any other linguistic programs that are offered. Now, there's no explicit funding for that from the Education department or from the federal government that I'm aware of. It's the local school boards responding in the way they see best to the pressures that are on them. They get pressure from the Ukrainian community, the Chinese community. There's also a Jewish school within the system as well. But in order to do that, they have to stretch the cloth somehow to make it fit, and it seems to me the way they've done that is to close some of the smaller schools and leave some neighbourhoods without schools in order to accommodate that. I've heard you and Mrs. Jean both indicate that we shouldn't be funding that kind of linguistic program at the taxpayers' expense, but this is unclear: you do support French immersion funding through the school system?

MRS. JOHNSON: I support it from the perspective that I feel I've been told by the federal government that I must learn French; therefore, if I'm told or if I have the perception that I'm being told that I must learn French, then they must provide me with the opportunity.

MR. McINNIS: That's interesting, because I don't have the perception that anybody's told me or my kids to learn French. I just found that in my lifetime the meetings, the places I've gone in my country where I felt handicapped by not being able to communicate as effectively as I would like to in French – I feel giving my kids that opportunity to be able to communicate effectively is sort of a gift to them. But I don't see that anybody's told me or anybody else that I've got to learn French.

MRS. JOHNSON: Then I guess that comes down to perceptions and where you've lived in the country and what you've been exposed to in relation to job opportunities. Certainly, yes, it is to everyone's advantage to have that second language, but my perception is that the government is promoting bilingualism.

MR. McINNIS: So if we fast-forward and let's just say for the sake of argument that Quebec separates from Canada, would you want to withdraw your kids from French immersion? Would you want that program terminated?

MRS. JOHNSON: I think if separation occurred, we would have to stop and wait to see what happened with the French population across our nation. Would they choose to polarize to the separated country, that being removing themselves to Quebec, therefore leaving the rest of Canada or what remains of Canada as not requiring French? Okay? I think we have to look at that issue as well.

No, I don't think I would discourage my children from continuing in French education. First of all, it's advantageous to have the languages. Secondly, who's to say that they won't have future encounters with Quebec for job opportunities, for education? I don't know. I would not take that opportunity away from them, but I think we'd have to wait and see what the rest of the nation would say. Do they want to continue expending dollars when Quebec has chosen to separate?

MR. McINNIS: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. Mary, you've turned the tables on us. You said you've got a question for us, and you've put us all on the spot. That was a neat move. We had one respondent initially, being Mr. Chivers, and just so you don't feel that he is speaking for the whole committee, nor Mr. McInnis, I can assure you I have heard from parents who share the perception that you have voiced here. They feel that because of the federal policy on bilingualism, their kids applying for a federal civil service job in Alberta would be at a distinct disadvantage were they not equipped in French. So though they might be opposed in principle to dollars favouring instruction in a person's language, of necessity they have indicated to me that they feel compelled to follow that. So I share that in answer to your question to us as a committee.

Keeping that in mind, then, because that is a federal policy, in general terms would you be a supporter of, for lack of a better term, a strong central government, as we've heard around the table here, with lots of muscle? Or would you favour a government setup where some jurisdiction is provincial, some federal, some negotiated?

MRS. JOHNSON: Personally, I would look at the scenario of a shared federal/provincial. We know that to operate autonomously does not always work. We have to have the opportunity to communicate as to needs and to pull our networks together when need be for the best of the country also.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Mr. Chairman, I'll be very brief. I've just checked some notes with respect to the statistics on jobs in the federal civil service. Outside of Quebec and the capital region there are between 1 and 3 percent, depending on the region, of the jobs that are bilingual. That in real numbers amounts to 8,000 federal civil service jobs outside of Quebec and the capital region in Ottawa. So it isn't a large proportion of positions. Even the federal service are . . .

MRS. JOHNSON: Are you referring to jobs that are mandated for people to be bilingual?

MR. CHIVERS: Yes, that are required as bilingual positions.

MRS. JOHNSON: But then are you looking at the fallout of that issue as well?

MR. CHIVERS: I appreciate what you're saying: that people feel compelled, such as you're expressing, to educate their children in French because of that concern. But I'm saying in real terms . . .

MRS. JOHNSON: Well, I don't know if it's an issue of feeling compelled. I'm also talking real terms, because I'm from Ontario originally also, but I am now an Albertan and proud to say that. But I think you have to look at the fallout, okay, where people . . . It's not their perception; it's a reality that when they go for job applications, if they are not bilingual, then they are not even considered for the job opportunities. And that's not at a federal level; that's at a civil level, that's at a private business level, because these people in turn are having to serve the public, and the public within the Ottawa region, the Quebec region, come in and you don't know whether they're going to be speaking French or English.

MR. CHIVERS: In that area that's certainly true, but certainly not in Alberta.

MR. DEPUTY CHAIRMAN: Thank you very, very much, Mary.

Would Her Worship Mayor Collicott be willing to join us at the table? Because if you are, you're more than welcome. Thank you.

MRS. COLLICOTT: Hon. members, I thank you for the opportunity to come, and I must apologize, Mr. Chairman, for being a little late. We had the FCSS review panel here, so I spent the morning with them touring around and showing them Fort McMurray. I guess I come before this committee today as a private individual as opposed to speaking on behalf of council or even attempting to speak on behalf of the 34,000 people in the city of Fort McMurray. I'm sure that all of us have different opinions.

MR. DEPUTY CHAIRMAN: Nevertheless, because of your position you have a wide contact with a great number of people and have a little sense of the feelings of the community.

MRS. COLLICOTT: I do. Yes. Those are the kind of thoughts that I want to share with you today. First of all, from a very personal perspective I would say to you all that I am most concerned about the direction that our country is taking, or perhaps a better description would be a lack of direction. Right now I think that as a Canadian I feel very confused. Right now as a Canadian my heart bleeds every time I hear a statement made that Quebec may well be separating from the rest of Canada or that the rest of Canada in fact wishes for Quebec to leave, certainly not the case for me as an individual.

It pains me a great deal when I hear my Quebec counterparts, my French-speaking Quebec counterparts particularly, tell me at meetings of the Federation of Canadian Municipalities or other municipal types of meetings that we in the west don't want them. How many times in the last 18 months I have myself, personally, told them that that's not true. It's certainly not true from my perspective, though there might be a few individuals that feel that way, and I try to diffuse that kind of a feeling that eastern or particularly Quebec people are not welcome to visit in the west or don't feel comfortable or whatever.

I guess looking at it from Fort McMurray's perspective, I would say that maybe we're very fortunate here as a community. We come from all over Canada. We come from all over the world. We're a relatively young, youthful population. Our average age is 27. Maybe we look at things a little differently. Maybe because of the fact that 33 and a third percent of our 34,000 people are under the age of 17, that means a whole lot of different things to us than it means to the other people. Maybe we also take a look at the precious resource of the seniors that we have in this community, since we only have 258 of them, and look at them as being our advisers and certainly our elders in terms of telling us how they feel about things. I guess like other leaders, yourselves included, all of us at council level, and certainly in municipal government, work very hard, diligently, and conscientiously to try to hear and try to understand what those people in our communities are telling us.

3:22

One of the things that I'd like to share with you today is an idea I have. It's not radical, although you might consider it radical; I don't know. I really believe that both a strong federal government and a decentralized government are not only possible but are desirable, and in fact we have parts of those systems already in place. I think what we need to do with parts of that system is to build on it to create an even better and stronger Canada as a whole. I think the concept of regionalization, as we've sort of loosely been bantering the term around for a large number of years, probably flows naturally out of this concept that I have. But I believe that sufficient power and control can be delegated to the provincial and, even further, to the regional levels, which would allow the accommodation of both regional interests and priorities. I try not to look at this from a partisan political perspective. I try to look at it as a Canadian citizen sitting here, one individual looking at how my government works, whichever level that is. I find that often the left hand doesn't know what the right hand is doing, and sometimes the fingers on the left hand don't know what the left hand is doing. We have not only duplication of effort, but we have sometimes a lot of spinning of the wheels, and we have a lot of our precious and shrinking resources actually disappearing because we're not paying attention.

You know, modern corporate management theory – and I think we're all familiar with that, because most of us try to work towards our governments being actual corporations, businesses, that work – recognizes the need for grass-roots commitment, recognizes it for grass-roots involvement, for communication, and, lastly but not leastly, for empowerment. It's up to us to empower that grass-roots group if we're going to achieve the objectives of good government, and it really doesn't matter which level we're working at.

Responsibility and decision-making should in my opinion be kept at the lowest practical level, but this would also include adhering to the standards and objectives laid out by the top levels of that management. I look at our federal government, in terms of corporate terminology, as being the board of directors. They're the ones that would actually give the direction, the goals and objectives to the rest of the communities I guess is the best way to describe it. The Senate is where I really believe that this board of directors concept would emerge. The Senate would ideally consist of persons of unimpeachable integrity, and they would in fact be the guardians of the heart of Canada. They would be the ones that would show, in terms of objectives, what direction to go in.

In decentralizing this whole thing, while keeping the fact that a strong federal government is still possible and is still very much within reach, when we delegate down to the lowest practical level, these responsibilities and the accountabilities as well as the resources should go with the delegation. In other words, we can't keep pushing to that level without giving or giving up some of the resources that we would normally have. I'm coming from the perspective that the grass-roots level is what pays the taxes now. They're already voting at that level, and therefore that kind of responsibility already rests with the lowest possible level.

Some of the cases where you see strong federal government exist with regional components are such areas as the justice system – it works very well – where the standards are set at the federal level after extensive dialogue with the provinces and then passed down to the provinces and then eventually to the municipal portions wherever that is acceptable. In the judicial system, the provinces are free to set additional standards and priorities to meet the individual needs of that particular area, but they first must adhere to the federal standard. That's a good example of how this strong federal government with regional priorities could also work. Health care is another one of those areas that seems to work fairly well, with provinces passing funds down to local hospital boards for administration, and then the hospital boards are free to set their own priorities and objectives as long as they are in compliance with both the federal and provincial standards.

Areas where I feel the federal standards should still exist are in some of the areas that I've just mentioned, medical care and justice, but I'd like to suggest to you that we add environmental protection in that category. I suggest to you that we add education, as with the transient nature of our Canadian population, movement from one province to another is a norm these days and not something that just occurs once in a while. Education to me means not only regular schooling but universities and colleges and trades and professions and job training of all kinds. Federally we should also have human and civil rights as part of theirs; perhaps some welfare, unemployment, and social programming directions, and transportation. Of course, national defence is the most natural one.

There are, however, so many opportunities to work together in a collaborative, co-operative way, and I think that's the message that I would give or I would certainly like to bring forward to you. As the power and responsibility in government is diffused downwards, I think you'll see the governmental hierarchies flatten that we know today as pyramid types of structures. I think with that flattening you'd find the productivity of the civil service improving, perhaps government spending being easier to control, and that the administrative power would not rest only with the bureaucrats in Ottawa.

This model or this suggestion that I make embodies a strong federal government whose visions, values, goals, and objectives are administered and to some extent tailored at the regional level and at the local level. I think there's some merit in looking at it from that perspective, because I believe that not only is Canada at a threshold but so are we as provinces and so are we as municipalities. We are, I think, certainly all in the same situation, where our resources are shrinking and our public is becoming very demanding. They're demanding not only responsibility; they're demanding accountability, and I think that's good. However, things as we knew them to be don't exist anymore, and I think what will happen here probably over the next 10 years or so is that you'll see a new Canada emerging, perhaps with even a new provincial structure that we at this point can only imagine or can only guess. But I think what you'll see is a stronger Canadian federation as a whole and perhaps even a stronger feeling of national pride than what exists today.

If I could just close by telling you that I am fully bilingual, but only in one official Canadian language; the second one, however, is not official.

MR. DEPUTY CHAIRMAN: Thank you very much, Mayor Collicott.

The first questioner the Chair's had notice of is Mr. McInnis.

3:32

MR. McINNIS: Thank you, Mayor Collicott. I think that's a very thorough approach to a problem that keeps coming up about how much centralization and how much decentralization. Some of us tend to think of this as either/or – you know, it either goes to the federal government or the provincial government or the municipalities – whereas in fact I think you've made the case that you can move both directions at the same time, and in so doing, you may do the job a lot better.

I was particularly interested in your comments about the environment, because that's something I'm involved in when I'm not doing this. I'm aware of the situation in Fort McMurray – and I know we're inviting a comment from the MLA here; so be it – where the provincial government has licensed pulp mills in Hinton, Whitecourt, Slave Lake, and now Athabasca, all of which head towards Fort McMurray eventually on the Athabasca River. It seems to me that you wouldn't have that unless you had a strong central authority, in this case the provincial government, that's able to make those decisions and say, "Yeah, we're going to have one in Hinton, a couple in Whitecourt, one in Slave Lake, and one in Athabasca." The subject came up a little bit earlier about whether you could foresee putting this question of protecting the right of the downstream people somehow in the Constitution so that you don't have authorities that are able to waive environmental impact assessment requirements or perhaps even ignore them when they come down and perhaps a constitutional mandate that requires that people who are on the receiving end have to be heard and have to have their interests recognized before these central governments can come along and issue these pollution permits.

MRS. COLLICOTT: Mr. McInnis, I appreciate your comment. I'm perhaps from a little different direction than that. Common sense tells me that we can all three sit down and decide amongst ourselves which is the best way to go. I recognize that common sense doesn't always win out. However, I guess from where I sit today, my direction or my purpose would be to look at planned, organized, well-thought-out, and, yes, sustainable development for the entire province – not just the northeastern corner of the province or not just pulp and paper, but let's talk about forestry as a whole, let's talk about the oil sands, let's talk about the agricultural kind of situation we have. I mean, things are happening in all these industries. Surely if there are communities to be affected by development of any kind, they should also be at the table and should be discussing and bringing forward those kinds of concerns they may have. I don't believe that we need to get really hung up about who has authority. I believe what we need to look at is that people in a jurisdiction, whatever that jurisdiction is, not only should have an opportunity but should be actively consulted to bring those thoughts out, those processes forward.

Let me just describe for you one thing, the reason why I personally was a little upset with the pulp mill proposal. It was simply this. A population of 34,000 people who depended on one sole water supply, who actually have to go out and physically turn a tap off if we're not going to take in water that has been contaminated for whatever reason, were not invited, were not asked, were not encouraged until after the fact. I personally felt that much more of that negative feeling would have either been diffused or never arisen at all if right from the beginning we had an opportunity to say: "I want you to be aware; these are the things that we have a concern with. Now, how can you help us overcome these situations?"

I was equally upset when I read in an Edmonton paper that there had been an upset at a pulp mill to the west of us, and no one took the time to notify us. I think it's common courtesy to pick up the phone and say: "Look, we've had an accident. Watch for it. Make sure you turn off your intakes so that you're not contaminating 40 days' supply of water." It's not a big thing; it's just common sense.

That's why I'm saying that I don't think we need to get hung up on whose responsibility is what, but I think what we do need to pay special attention to is the fact that there are all levels involved and that all levels working together for the best interests of the people and of the resource base of that province or that jurisdiction would make probably much sounder decisions and probably longer lasting decisions and probably decisions which the public would certainly have bought in and supported very early.

MR. McINNIS: Mayor Collicott, I certainly agree with you that the things you've talked about are only common sense. I think common sense, reason, and logic govern maybe 80 percent of human activity, but unfortunately politics is mostly in the other 20 percent.

MRS. COLLICOTT: Now you tell me.

MR. McINNIS: That's why some of these questions are so difficult. My question is: given all of that, do you think the basic law of our country might be a way to beat some common sense into the people who make these decisions so that they have to sit around the table with the people who are affected before they make them? That's my question.

MRS. COLLICOTT: It can't hurt.

MR. CHUMIR: Thank you, Mayor Collicott, for a very clear presentation. As Chief Dan George used to say, "My heart soars like a hawk" with much of what you said.

As the chief magistrate of a municipality, I'm wondering whether you might comment on some suggestions that have been made that we need to entrench a formal constitutional role for our municipalities. Now, this is particularly coming from some of the larger municipalities in the nation. Can you give us any direction in that regard?

MRS. COLLICOTT: I viewed those comments in newspapers both from Edmonton and Vancouver with some interest, a great deal of interest in fact. I guess to put in a nutshell how I would feel about this as a municipal elected person would be simply this. The representatives for the province, the representatives for the municipality, the representatives for the federal government are elected by the same people. From that perspective, since they have a responsibility and are accountable to those same people, they perhaps should be at the table when they're discussing some things.

Now, in terms of being entrenched in the Constitution itself, it was an interesting thought some time ago, and maybe I'm too strong a proponent of municipal government, but nevertheless it was my feeling that municipalities started this whole thing. It was small communities that started Canada, before provinces, before the country was ever built. What happened? Did we lose them? My thought would be that there should be some recognition for municipalities simply because they were in fact the ones that started the development of the country, albeit not in the same organized fashion that we have it today, but there was a basis, and the basis was within small groups first and then it branched. I believe that mention of municipalities in the Constitution is not wrong. It should be there.

MR. CHUMIR: Thank you. We've also had in our hearings to date a number of suggestions from presenters that access to government information by citizens is a right that should be put into the Constitution. It's fundamental, and there's a need for this. Would you be supportive of entrenching a right to information in our Constitution?

MRS. COLLICOTT: What kind of information? Anything?

MR. CHUMIR: Well, it wouldn't be any and all. I assume it would, you know, presumably be the basic information that reasonable people would say members of the public should be entitled to but excluding personal information about other individuals, police issues. There's a whole range of matters that presently are excluded by common sense from the freedom of information legislation throughout the country. I think it just is a general principle. The view has been expressed that citizens should have some general rights to basic information from their governments.

3:42

MRS. COLLICOTT: Perhaps I'm from a different school of thought, but I always thought that if I wanted information, I simply dug it out until I got what I wanted. But I may be one of those individuals that goes after what I need to have, and a simple statement doesn't make a difference. I've always operated under the assumption that information is power, and to empower our community, the more information my community had, the better off they would be. The more sound decisions they would make, the more they'd be involved in the whole consultative decision-making process and the better the community would be as a whole. To be quite honest with you, it had never occurred to me that I couldn't get the information I wanted from a federal level. It just hasn't been a problem I have run into.

In terms of entrenching it in a Constitution, I'd have to question that. I'd have to question for what real purpose beyond what's there already. I guess my other questions would be: is it necessary, or is it already available? If it's necessary and it's not available, then I'd say put it in. If it's not necessary and it is anyway available, why bother?

MR. CHUMIR: Sure. Well, thank you.

I'm going to be designated by my colleagues as being near saintly by avoiding partisan shots about the provincial scene. I'm going to avoid them, but it's veritably saintliness. It's surely saintliness.

MRS. COLLICOTT: Are we not in a nonpartisan setting?

MR. CHUMIR: At this time.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Your Worship, I was very interested in your description of the kind of way in which we should exercise our authority on the part of those who elect us, provincial, federal, or municipal. I at least certainly agree with the statement you made that the government that's closest should be making the decisions or have the most delegated to them and with that authority should come some ability to obtain the dollars to carry that out.

The difficult part we have with the national scene is when you got into your other description on the establishment of standards and what that means. I guess I'd like to have some more examples from you of what that means. Nancy would be much more able than I to describe it, but nationally there are hospital standards that are established by an association, for example. I think we would all say that Canadians should be able to go anywhere and expect some reasonable level of hospital standard. Yet if the federal government, being most influenced, of course, by those citizens who elect them, those in central Canada first, found that in those parts of the country there was a need for more hospitals as such, but out here we were moving more towards home care and alternative care resources, or in northern Alberta there was a need for a different kind of air ambulance service or whatever, would we be again in danger, if we're talking about standards, a national government establishing a standard most applicable to those main portions of Canada that may not apply as easily here? We've had that kind of problem in other areas. Now, of course, constitutionally health care is exclusively provincial as is education. Just what happened was your dollar example. The dollars didn't follow but, in fact, directed into the system. So where do we begin and where do we end?

The justice system. I understand your example. No question about it. It should be national in nature, allowing for some provincial variations, indeed, for administration as opposed to what a law is in a criminal sense at least. Defence. I don't think we have any problems agreeing that that shouldn't be done on a provincial basis. A basic running of our monetary system. When you get into things that are more people oriented – the health care, the social services, even the education – where we've evolved differently in different parts of the country and have different needs because of the space and the approaches that have been taken and are going to, are those kinds of standards things that should be established nationally? If they are, how do you then apply the need locally, with the dollars locally, without challenging that national standard which may have need to have been made in the best interests of the majority of citizens who aren't here?

MRS. COLLICOTT: Mr. Anderson, I recognize that what I said was an ideal perhaps; you know, some lofty blue sky. Let me just digress or step back for a moment and say that I recognize all of this cannot occur overnight or at the snap of a finger. I recognize that some of this would evolve over time, and perhaps what would be required would be a direction, that we'll be moving towards a certain goal rather than actually making the change and implementing it today.

Education is one example. Every province has trades. Every province has electricians and plumbers and whatever kinds of trades that go through an apprenticeship program. For the most part all the apprenticeship programs are within the same years, four years or so. Only some provinces have agreements where an interprovincial ticket would allow them to move between provinces and so on. Isn't that an example of how a national education scheme would be a national advantage in terms of tradespeople being required in different parts of the province or different parts of the country at any given time? Then the ticket that was earned, for example, in B.C. would be equally as good in New Brunswick or Ontario as it would anywhere else.

In terms of universities and colleges, it's a challenge; I understand that. Already we have so much movement from one province to the other, from one university – I have a nephew who's gone to three universities in three years in three different provinces. In that case would it not be wise if we looked at it and said, "For a degree in education these are the basic requirements we need no matter where you are"? If we have a degree in another field, whatever that might be, these are the basic requirements. Now, how the individual institution supplemented those basic requirements would be up to the jurisdiction of the individual degree-granting institution.

I think those are starts. We're already making big strides in moving in that direction. We saw it here in Fort McMurray with regular schooling in the days we were developing very rapidly. We had kids coming in from all provinces and virtually all countries of the world, and they were amalgamated into this school system as best we could under the circumstances. You know, some of those kids are graduating now, and some of those kids are at the highest levels of academic achievement. Now, if they came from other provinces, other jurisdictions to begin with, why wouldn't it make sense to say that grade 8 requires this kind of minimum? If the province wanted to take it beyond the minimum, fine, or if the district wanted to take it beyond the minimum, that's also fine. What I'm suggesting is a start, a direction. I don't think I would live long enough to see my vision of this wonderful country of Canada actually materialize.

3:52

MR. ANDERSON: For clarification, you're not necessarily at least talking about a federal government establishing standards; you're talking about standards acceptable across the provinces.

MRS. COLLICOTT: Exactly.

MR. ANDERSON: I would generally agree with you. I might say there are some areas where it wouldn't seem likely, but it does differ. My father was a welder all his life, for example. He couldn't figure out why he couldn't be a welder in Newfoundland, the same reason here, and I couldn't either, until he went down and found that the salt from the air had a different effect and they needed a different teaching method there.

MRS. COLLICOTT: There are some unique situations, yes.

MR. ANDERSON: So there are some of those. But generally I agree with you. Certainly I think if we could have those standards across the country, it would be better.

MRS. COLLICOTT: Take the electrical trade. You actually have two divisions within the electrical trade itself, but you have one ticket at this point. You have the industrial side. A person who does apprenticeship through the industrial side perhaps never wires a house ever, yet it's, you know, a similar kind of a situation where you have one ticket that sort of does both. I'm not saying that's wrong. I'm just saying that what we need to do is look at minimums and perhaps nationally agree to minimums and then branch out to any specific requirements from there. I mean, we all know that what would be a minimum required for a trade in Alberta might have to be expanded on to work in a situation like Suncor or Syncrude because of their uniqueness. That's what I'm suggesting to you.

MR. ANDERSON: Good point.

MR. DEPUTY CHAIRMAN: That exchange seemed to have generated a supplemental from Mr. Chumir.

MR. CHUMIR: Well, just for a point of clarification on that general area of topic, Mr. Anderson suggested that there were problems, perhaps insuperable problems, in establishing federal rules yet enabling local areas to have the flexibility needed to deal with social programs, health areas. As I see the health care system at the present time in Alberta, we make our own decisions by and large with respect to most areas in medicare. We decide whether we want to have air ambulances; we decide where and what kind of hospitals; seniors. All the questions that Mr. Anderson raised we already do. We're very different from other provinces in that regard, yet at the same time, we do have the federal rules with respect to universality, portability, comprehensibility: a very limited number of rules but rules which are standard for all Canadians. Now, would that be what you perhaps had in mind when you said . . . [interjection] Thank you.

For clarification, in terms of education, Mr. Anderson suggested that there need not be a federal role in order to get these standards that you were talking about. If we couldn't get these standards – let's assume that the provinces are unable to agree, as they have in many instances – would you agree that it would be useful and sensible to provide for the jurisdiction of the federal government to be able to referee in that particular instance if there is a national objective that needs to be achieved?

MRS. COLLICOTT: I don't know if I'd use the term "referee," but I think I'd use the term "being a partner," part of the negotiating team, if you want to use that terminology.

MR. CHUMIR: Having muscle.

MRS. COLLICOTT: No. I think maybe that's where we've gone wrong. We've given direction in the wrong way.

MR. CHUMIR: I couldn't resist that one. [interjection]

MRS. COLLICOTT: He might find more people saying no.

I really do believe that the partnership, the co-operation, the collaboration is the key: not so much them, us, or we saying, "This is the way you should do it," but all of us sitting down and, yes, being systematic about it. I'm sure there will be occasions when tempers rise and when there will be great differences of opinion, but I believe that communication, that dialogue is critical if we're going to get to a point where in fact we are a united Canada with at least common goals if not identical goals.

MR. DEPUTY CHAIRMAN: Thank you.

Nancy.

MS BETKOWSKI: Thank you very much for being here, Mayor Collicott. I think you present a real leadership role in your community, and it's an opportunity for the committee to grill you. I also really support your view of a more collaborative model on constitutional reform as opposed to a dominance model. I think that's part of the transition we're moving towards.

I have two questions. I don't think they're related.

The first one is about citizens demanding accountability from their governments. You obviously see this in your job as we do in ours. You had mentioned the concept of a Senate being a board of directors, and really that was what it was established to be. This was the federal, this was the provincial, and the Senate was to be the part of the triangle that would provide the balance between the two. I'd be interested in, first of all, the makeup of that Senate. You suggested people of unimpeachable integrity. My question is: would that be an elected or an appointed person? Do you have any institutional or some framework for improving public consultation so that people would feel more involved in the process, other than just Senate? That's my first question.

MRS. COLLICOTT: In terms of the Senate, personally I feel the Senators should be elected and the election process follow what Alberta started some years ago, as I believe in that process. I also recognize that it may not fly in any other part of the country, that we may be of a different mind-set in this part of the country than others at this point.

In terms of a role for the Senate, in the sense of general direction or directive, policy direction perhaps, what we went through with this last – I hesitate to the use the term, but what I really mean is fiasco. When we watched the Senate holding up decisions, I thought to myself: "This isn't the way it's supposed to be. This is not effective." Somehow we shouldn't have got to that level. It shouldn't have got to that point. I guess the public consultation process would have prevented it from getting to that point.

Now, how to improve the public consultation process? I think in any case we've probably all learned it from our farming backgrounds: you can lead the horse to water but you can't make him drink. I guess we can just keep opening the door and saying that the door is open and if you want it it's here, and, you know, please do come and participate. It's like this opportunity. It is an opportunity to have a real part to play in what the province of Alberta is going to say on constitutional reform, what individuals are saying, yet you find a small number of people actually taking advantage of that opportunity. If you didn't offer it, however, you would be taken to task, I'm sure, very loudly.

I have no great suggestions – I wish I did – in terms of trying to get people more involved and getting people to contribute. All I can say is we just have to keep presenting the opportunity. Perhaps one of the ways, particularly for us at a municipal level and, yeah, MLAs, too, is when we're talking to school children, because those are the ones that are the future, we talk about the importance of being part of a consultative process, of giving their opinions no matter how young they are. I've had in the past year or so many young people bring to my attention that they were quite surprised I was willing to listen. They thought that city council didn't have any use for the input of young people, and I think they need to be told that they do have a role. The role would simply be to bring some ideas out, and sometimes the young people have the most creative ideas of all, and sometimes they're the least inhibited when it comes to taking risks and making changes occur. I think from that perspective that's one very valid way that all of us, no matter which level of elected official we are, can actually start changing an attitude, because that's what it is.

4:02

MS BETKOWSKI: Well, I think public consultation is also public education, and there's a broader base of understanding when changes are made.

MRS. COLLICOTT: That's true.

MS BETKOWSKI: So I think that's an advantage.

My second question is on this one of standards. I agree with you that the model in the Canada health system works because it goes from national principles to provincial funding primarily to local governance. It's not perfect, but it's a very good model. When you get to the issue of education, one of the things that I think we need to look at is that if we were to say, "Here's a standard in education for the nation; every institution must do these things across Canada," that's one way to look at building standards. Another way is to say, "Let's look at education from the point of view of access of the Canadian student, and that access will be provided in Canada." That maybe will mean that not every single institution will be doing the same thing. Maybe we won't have a faculty of education at every university – the Canadian student will be able to access service in his, for lack of a better term, region – but we will start to make sure that we're providing that access as opposed to allowing something to slip through the cracks. I guess I'd be interested in your thoughts on that kind of a model.

MRS. COLLICOTT: I would agree with that. Certainly from our own perspective here within the city it was very easily recognized that certain organizations do things better than other organizations, and instead of us trying to put complementary programs or competing programs into place, let's again get down to the consultative table. Let's say that, okay, you do this one well, so you continue doing it; you do this one well, you continue doing it; and I'll take this one, because I can do this one well. The same thing would apply to education. If the University of Calgary, for example, did education very well, let them do education, and then the University of Alberta in Edmonton do recreation, for example. There are opportunities, I believe. It's like moving the pieces of the jigsaw puzzle. It's like moving a fit. If it doesn't exactly fit, then maybe it belongs in a slightly different place.

I guess maybe that's where I'm coming from. We somehow get too hung up on the straight and narrow or on the way we used to do things or the way things are. I think that now at this level of development in our country, in our province, we need to be able to be a little bit more flexible with that instead of trying to jam a piece of a puzzle in there because that's where it's always fit, to actually look at and work with it a little bit more; maybe manipulate it a little bit like you do Plasticine.

MS BETKOWSKI: You know, the analogy we got in Calgary, which was a wonderful one, was not a jigsaw puzzle, but a Rubik's cube, and you can't fight a Rubik's cube to get the same colours on the angles.

Thank you very much.

MRS. COLLICOTT: You're welcome.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for your thoughtful presentation, Your Worship. I'd like to take you back to more or less where you started your presentation. You started out with some comments about some serious concerns, some reservations you had about the polarization of attitudes towards Quebec. I'm wondering if you could clarify for us a bit your perceptions of what the role of Quebec in Confederation should be, what sort of a constitutional relationship there should be, and particularly in the area of language rights.

MRS. COLLICOTT: Well, as an individual, and purely as an individual – this is not a political statement – Quebec to me is a province like Alberta is a province or like Saskatchewan is a province or like the Northwest Territories are a part of this country. It takes certain requirements to be a province or to be part of this Confederation of a country, and I believe that all of us, no matter where we are, should be of equal status, recognizing that some of the problems that we're facing today started prior to Confederation of 200 years ago. I think that goes for the problems around native issues as well.

MR. CHIVERS: I was going to take you there in a minute.

MRS. COLLICOTT: I guess my favourite way of describing it is that we're sort of living with the sins of our past; maybe the mistakes of the past are surfacing at this point and coming up as problems. It's very difficult for me to say that I either agree or disagree with Quebec having its own language situation there or whether I agree or disagree with certain aspects of their membership in the Canadian context. As I look at this as an individual who is a first-generation Canadian and saying, "Hey, I'm no different than they are," it took pioneer spirit to get Saskatchewan and Alberta to the level it is. It took effort; it took a lot of different ethnic origins to produce this particular part of the country just as it did the two basic different ethnic origins in Quebec and Ontario. So I find it very difficult to say, black and white: this is the way it is.

I'm more of the mind to say that we need to talk about this a whole lot more. We need to really discuss this. We need to get down to what's causing the problems of feelings, because that's what I was getting when I was in Quebec City last year and through different other communities across the province. I met with the mayor and council of Châteauguay after the Oka situation, and I hear the kinds of things that they're saying. They're no different than the rest of us, but what has been different, what has changed in the last 10 years – and I hesitate to use this because we're surrounded by it – is the media.

MR. CHIVERS: I wonder if you could just address a bit more the situation as you see it with respect to aboriginals and aboriginal rights and whether there's a need for some sort of a constitutional entrenchment of aboriginal rights more than there is.

MRS. COLLICOTT: I guess I'm in the same situation there as well.

MR. CHIVERS: Uncertain?

MRS. COLLICOTT: Yes. It's . . .

MR. CHIVERS: A question of how you balance things?

MRS. COLLICOTT: It is exactly a question of balance, recognizing that these were people whose ancestors were here when my ancestors came. In history, some communities – when a group was conquered, they were conquered and amalgamated into society. We don't have that kind of a situation in Canada. We have really no basis to look at this as a straight black-and-white issue, so I'm saying at this point: balance is important; we need to look at all sides of the question. There have been recognizably some injustices, and if those injustices are recognized, they should be corrected, and at that point we're more or less back at square one again.

MR. CHIVERS: So would I be correct in sort of summarizing your position to be that you'd be prepared to look at some new relationships because of the value you place on Canadian unity? Although you haven't fleshed out those ideas, you appreciate that we should be looking at them?

MRS. COLLICOTT: Oh, yes.

MR. CHIVERS: I'd like to thank you again for some very helpful insights.

MRS. COLLICOTT: You're welcome.

4:12

MR. DEPUTY CHAIRMAN: Thank you.

Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. Your Worship, I was very intrigued by what you had to say relative to your view in terms of the communities. It's interesting to see that you have 33 percent under 17; that's incredible.

MRS. COLLICOTT: It makes for a very small tax base too.

MS CALAHASEN: That's what I was going to say; that's an incredible thing.

You brought out the fact that you said there's got to be a strong federal government but with a decentralized view in terms of some of the powers in terms of delegation and that nature. Something I thought was really intriguing that you brought up was that the grass roots or the community has got to be involved and that you have to be able to communicate with that particular grass-roots level and then empower that grass-roots level, which I think is something that I personally would also like to see.

The model that you brought out in terms of responsibility going to the lowest level and what you called a diffusion downwards: I think when I look at it in that sense and what you stated as the municipalities being involved initially in forming the Confederation, I wondered how from the diffusion downwards – or is it the diffusion upwards? In my view it's always the upwards one that I like to choose, because I think you have to get the small communities to be able to get empowered in order for you to be able to get the change, and I think that's what happened in particular in the Constitution. The one I was looking at was education and the different responsibilities in terms of where it should be, and I think you articulated that quite well when that question was asked. However, one thing I have is that the funding component comes, I think, in the diffusion downwards, whereas I think the ideas come upwards. The one I want to relate it to is that the native communities at one point were also involved at that level, and they were also involved in terms of the Confederation but on a totally different scale.

The question that I wanted to ask you, then, is that if you see the municipalities or the community empowerment occurring at the lowest level and going upward to be able to elicit change – the native communities also were at that level, more like treaties which they signed, and they were also involved at a municipal level and moved forward, I think, in a sense where it begins to be a federal responsibility – would you say, then, that there is a sort of look at one over the other, or is it sort of like both going in the same direction to be able to reach that aboriginal self-government?

MRS. COLLICOTT: I would say parallel.

MS CALAHASEN: The parallel movement.

MRS. COLLICOTT: Yes, moving forward, not necessarily – well maybe not even parallel. Sometimes I see a crossover, and I'm thinking of ourselves here in Fort McMurray in terms of our communication with, say, the community of Anzac or the community of Fort MacKay or even, for that matter, the separate bands where any one of us, if we have a question with regard to a certain issue or we wish to find out what the other parties are thinking of, have no hesitation in either picking up the telephone and talking to each other or coming in and discussing it over a cup of coffee. It may not be totally parallel, but it's moving forward in a similar kind of a direction with sometimes a crossover occurring. I don't know how to best describe that.

MS CALAHASEN: A weaving.

MRS. COLLICOTT: Yes, it is. It is a weaving of ideas and so on. I look at most native communities as being very much like a municipality in their own right.

MS CALAHASEN: So in terms of the self-government aspect then, basically it's much like the municipal government in terms of what they have wanted and in terms of what they needed to be able to realize the goals of the people or the needs of the people.

MRS. COLLICOTT: Uh huh.

MS CALAHASEN: So in order for us to be able to get self-government incorporated or self-government to be looked at then, we've got to look at what the needs are and ensure that there's a definition of some sort to be able to deal with that.

MRS. COLLICOTT: Something like a definition of the term "municipality" in both the . . .

MS CALAHASEN: In a self-government context.

MRS. COLLICOTT: Yes.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Well, Your Worship, on behalf of the committee we'd like to say a sincere thank you for your appearance here this afternoon and for the assistance you've given us. Thank you.

MRS. COLLICOTT: Thank you very much for the opportunity. I enjoyed that, and I brought along a special little present for you.

MR. ANDERSON: Could we have Her Worship back tomorrow?

MRS. COLLICOTT: Do you want another present tomorrow?

MS CALAHASEN: Presents. He's talking about presents. Not only in words and wisdom, but also in . . .

MRS. COLLICOTT: I do appreciate the opportunity, and I really didn't plan on actually making an official presentation, but I wanted, certainly, for you to be aware of my own personal thoughts about the direction we're going in and I think also to identify to each of you that we really do care here what happens in the rest of the province and what happens in the rest of the country. Although we may be – and I hesitate to use this term – at the end of the road, we are not at the end of the road in terms of our thought processes.

Just to throw out a couple of other statistics to you, in Fort McMurray 50 percent of the people over the age of 18 volunteer in one way or another in this community. It's a very, very high percentage and virtually unheard of. Beyond that we're also a very educated community. Again this is just an average, but it indicates to you the extent of the education level in this community. Of the people over the age of 18, the average is two years of university or more, so we're a very highly educated community, a highly committed community, a highly energetic community, and I'm sure our own MLA, Mr. Weiss, can attest to that.

MS CALAHASEN: You could go far with that.

MRS. COLLICOTT: Yes, we can.

MS CALAHASEN: Very far.

MR. DEPUTY CHAIRMAN: Thank you. We may be hearing more along that line because our next presenter will be Mr. Dan Meakes of the public school board, and of course the first presenter this evening will be a representative of the Catholic school board.

So to Mr. Meakes: please come forward. It's nice to have you with us this afternoon. We would like to also welcome you, Mr. Meakes, and say that really the floor is yours. Whatever you have to say probably will elicit some questions from the committee following your presentation.

MR. MEAKES: Thank you. First of all, I'd like to thank you on behalf of the public schools for the opportunity to share some ideas. I've met many of the people around the table on other occasions, so I appreciate the chance to share some of the thoughts that have come from that board with regards to constitutional reform, or probably more seriously to address some of the issues about how Canada governs itself.

The public school board has not had an opportunity to develop a thorough position, so what I'm drawing from is really three areas of discussion that have occurred over the last year that relate to key issues in the delivery of education within Fort McMurray. As our mayor has pointed out, Fort McMurray is an extremely young community, so the presence of education in Fort McMurray is very, very strong. Fort McMurray receives and spends approximately $100 million a year in various forms of education. There's nowhere in Canada where as much money per capita is spent on education as Fort McMurray. It has a lot to do with the age and the fact that we live in a high-tech society in Fort McMurray. The issues that come to bear for much of Canada around issues of education really come to an apex in Fort McMurray, so some of the issues that we experience, I suspect, are issues that are experienced as a country.

The first item that I would like to share some reflections on is section 23 of the Charter of Rights and the recent Supreme Court ruling with respect to the governance of education in the French language. The governance of education in Alberta is probably going to go through some substantial changes, or we would hope, over the coming years.

4:22

Alberta has as many school boards as the province of Ontario, and they are proliferating very, very rapidly. There's probably not a need for more school boards simply because of their implications for cost in the delivery of education. As a consequence, one of the things that I think needs to be entrenched is a commitment to the French language in the existing governance of education. One more set of school boards in Alberta I doubt will serve the public well, particularly French-speaking individuals. One of the reasons it is a concern is that the French language in schools has been a very trendy item, and it would appear that by 1987 French in schools, whether it was French as a second language, French immersion, French schools, reached a peak. For many of those of us who were raised in the Trudeau years the belief that if you spoke two languages had a high impact on kids, kids entering school from the years of 1975 right through to 1990, kids of middle-class parents. The belief was that if we spoke two languages, we'd have a much greater opportunity of employment. That trend has waned. In fact, what we're experiencing now is that the existing school boards are working hard to maintain a solid French presence.

In Fort McMurray we have a great variety of French language opportunities, and to split them out of the existing school boards would not only be redundant, it would probably threaten their existence, because the broad base of the two existing education systems allows a broad drawing of students for those programs. So our concern that there is momentum to establish French-language school boards within the province is that we think twice and that the government of this province give some support to French being present in the existing education systems.

The second area is the federal government's role in education. The new interest in education concerns us, because already at an adult level we run a constant risk of redundancy, duplication through Canada Employment. Mr. Weiss's area of responsibility is fairly well served with the existing programs. Presently we have a fair bit of dialogue at the local level from both provincial and federal concerns, but an increasing interest in education on the part of the federal government I believe will, at times, put a risk of two-tiered education, and I'm going to say more about that when we talk about native concerns.

An expansion of the federal government into education is probably best achieved with transfer payments. The BNA Act spells out the responsibility of who's accountable for education, and if there is a shortfall in the financing of education, it is that each tier of government is forcing down the tax burden. So the federal government increasingly puts the weight on the province. The province has withdrawn from education and its financing dramatically over the last 20 years. In fact, in Fort McMurray here, in 1971, 82 percent of education at the school level was paid for by the province. The public school board will receive 47 percent of its budget from the province. This pushing downward has left a very, very strong burden on the local taxpayer, through property taxes, to afford education. Our concern is that as the federal government becomes involved in education, its desire to spend money on education will undercut its present transfer payments for education. The more people we have spending money on education, the more the dollars are forced down onto the local property taxes. That's been the experience that we've had from the province to the point where we are in a very unstable position for rural Alberta. Rural Alberta does not have the dollars to finance education because the local tax burden cannot pick it up.

So around constitutional issues we are not excited about the federal government becoming involved in education if it means it's going to slice a new chunk of the pie without continuing to maintain its commitment to the financing of education it's presently involved in.

At a local level there is a need, because of the federal government's involvement in manpower and training, to maintain a consistent approach to the dialogue between the provinces' initiatives and the federal government's initiatives. We are experiencing some redundancy and also, around the stay-in-school initiatives of the federal government, a real inconsistency. The federal government will fund one school system but not fund the other school system. Quite often the reasons are very picky, worse than technical, in why particular programs are funded or not funded, so that the initiatives appear to be very political in nature as opposed to being based on meeting local needs.

The third concern I'd like to raise is around the issues of native concerns and education. We're moving into a very complex period of time where native education appears increasingly to be two tiered: those native persons that are identified with the federal government receiving different services from those that are funded by the provincial government. Bill C-31 has led to a great deal of confusion around educational funding, and in some cases it's meant that individuals have been missed, postponed, while their status has been sorted out.

Presently, because of federal government involvement through the department of Indian affairs in education, it's meant that depending on what side of the line in northern Alberta you sit, whether you're in Northland school district or whether you're in Lac La Biche or a variety of other places south of Northland, the dollars available for education are dramatically different in some places. Northland school district in the province of Alberta has 250 percent per student of what the Lac La Biche area has. A lot of it is because of the infusion of dollars from the department of Indian affairs. It is a major issue for the governance of education that in terms of who is a native person in Alberta has not had common ground. So between different communities and different educational jurisdictions, commonality of programs or standards has been bypassed. The consequence is that the province of Alberta issues for many of these school jurisdictions the high school graduation. Many of those native people are not only not graduating, many of them are being given by the province of Alberta a certificate of high school graduation and are performing at grades 5 and 6 English. It has to do with overlapping jurisdictions and accountability that often when the federal government is involved, we end up with progress at all costs. So students are pushed through the system without an accountability for either the teaching staff, the schools' authority or, ultimately, the Department of Education, which trusts local leadership.

Because of the joint jurisdiction it's difficult to put a finger on who is accountable, but I can assure you that at the college level, when we review and begin to prepare people for employment, we have a consistent gap between what is being delivered and how students are being prepared.

One of the major issues in education at this point is to begin to develop a more common basis for the delivery of education in northern Alberta. Without constitutional reform, without seeing all Albertans as being Canadians and all Canadians in Alberta as having the same educational funding and the same educational system, I doubt that we will break through that.

When we talk about aboriginal rights or native rights, if those imply two systems, then it becomes a kind of rich man's apartheid, a separateness. So much of that is built into reserves, and as we grow through that process in terms of self-governments, however that takes shape, the cost is held by the children who enter school systems that have multiple authorities. Because the authorities are so strong, much of leadership time presently in local communities is spent wrangling about minor political issues rather than addressing the needs of the children involved. The consequence is that some major issues are not addressed. I will just name three that need addressing and that are of a crisis nature.

4:32

One of them is the epidemic numbers of individuals who now face fetal alchohol as their existence. Fetal alcohol rates we cannot identify. Health authorities won't talk about them, but I can assure you that in some of the small northern towns fetal alcohol affects one in 10 children. It is epidemic. The societal costs far outstrip anything that we would imagine from AIDS. The cost to education in a lifetime amounts in the hundreds of thousands of dollars to respond to someone with fetal alcohol. At the local college here we probably address the needs of more fetal alcohol adults than anywhere in Canada. We've begun to become aware that it is a major issue to educators.

The second issue is that education authority is not on a common basis, does not have a common baseline in Alberta. It means that frequently students are not easily transferred from one jurisdiction to another. In terms of students, particularly postsecondary, their needs are not being met.

The third need that really we need to address in terms of the whole field of education is that the primary needs for native persons are polar in nature, and with two jurisdictions we find it very difficult to deal with. At one pole there are large, large needs for literacy, so we become very trendy and excited about literacy. On the other hand, we have a very large need for leadership development for small communities. It's one thing to talk about self-government, but if we have not developed the unique cultural ethos in which you develop small community leadership, what we do is set people up to govern without the tools to govern. Already that is the existence for many of the small communities that have large boards and have not had the opportunity to prepare for leadership.

These are three issues that have been in recurrent discussions about public education in Fort McMurray, largely because we have dealt with students who have transferred out. In many of the communities frustration has resulted in parents pulling their kids out of the Northland school system and then placing them in Fort McMurray. In some cases it's been a sharing of information between trustees and board members in Fort McMurray with small communities, information that has not been readily available to the leadership. In other cases it's been catastrophes for students that we have looked at and said: how can we do it better? So these are some concerns and some discussions that we've been involved in.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Meakes.

Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. First of all, I'd like to say that you had a lot of information. I was quite concerned about the comments you made in terms of accountability of people who are supposed to be in an accountable situation, particularly with native education. You said it's difficult to assess who is accountable in the educational system, and as an educator myself I was always under the assumption that as a teacher you are accountable to that student, as a principal you are accountable to that student, as a board member you are accountable to that student or to the education of those students, and as a person who is in head office, like yourself, you are accountable to those students in ensuring that they learn. The concern I had is that you said there was a lot of overlapping in terms of jurisdiction; nobody was really accountable. My question, I guess, to you is: how do we see that there is some accountability from those people who are supposed to be primarily accountable when you're saying that there really is no accountability from any of these people? That's the first question.

MR. MEAKES: I think the accountability can be put in place by five things. I think one of them is through universal testing, and when I say universal testing, I'm not talking simply about standardized academic tests in grades 3, 6, 9, or 12, although I think that should be present. I also think of universal assessing from the point of developmental issues in education. Unless there's a common kind of evaluation, there is not an accountability.

MS CALAHASEN: On the national scale you're talking about?

MR. MEAKES: Well, I would say initially as a province. As a province we've said that that exists, and then we've sheltered certain areas. In terms of native persons we've been slow to say, "You're on the same scale; you're on the same platform." Out of a kind of caring, we've sheltered people. All I'm saying is: the first area of accountability is universal assessment.

MS CALAHASEN: Whether it's on a national or a provincial scale, then, you're saying that as a province we should be able to do that first and then go on a national scale for a standard? Are you talking about a minimum in terms of educational standards?

MR. MEAKES: Yes, I would say a minimum is just that. It is a minimum, but I think it should be present, and already there is a framework in the province of Alberta to do that. So without a great deal of constitutional issues we can effect that.

The second area of accountability, I think, is accountability in terms of a local authority. In the Northland school district, with its size and dimensions and so on, there are so many levels of accountability that the local authority does not feel it has control. In fact, the frustration is so strong that in the public education in Fort McMurray we receive the leaderships' children being enrolled in our schools: a loss of confidence. I think the second area of accountability is that at the local area there is accountability for the success of the students and the support to see that success happens on a local basis. I don't think there's any better place for self-government to begin than with the local school.

MS CALAHASEN: So you're saying that education should be a local – first of all, I see what you're bringing forward is a three-level thing: the local level in terms of the decision-making, then what I would call, I guess, a provincial level, and then a federal level.

MR. MEAKES: Well, that's sort of what we have. The difficulty is that particularly in the north we also have the federal presence. Native education authority buys a chunk of education. Native education authority can shift its students in and out of the system; it can shift its dollars. So we have another authority that quite often counterbalances or even has a potential of undermining the local school.

How we set up our jurisdictions I don't think is terribly effective. The more federal presence and the more provincial presence, the less accountability there is at a local level, and the less accountability at a local level, the more students drift out of school.

MS CALAHASEN: Therefore we've got the large illiteracy, is what you're saying.

MR. MEAKES: We do. Sometimes, though, the policy becomes: promote students even though they're not learning rather than be accountable for the delivery of education and saying, "Why aren't these students learning?"

MS CALAHASEN: So what you're saying, then, is: as teachers you respond to the federal versus the local, and therefore social promotions occur.

MR. MEAKES: Right. I think the fourth thing in terms of accountability that has to be present is a common ground in terms of status of people. As long as native people are given special status, either through educational funding or some other basis, they will be treated second rate. What occurs is that the dollars become more significant than the persons.

4:42

My experience in working with the Council for Yukon Indians in developing programs was that at the point that we say all native persons are native persons, at the point that we say all Canadians are Canadian persons, then at that point we get accountability for all persons rather than pushing aside a lack of action to the federal government. I think the federal government has some accountability, but as long as that funding in the systems is so often placed on the head of an individual – this person is a band member; they will have X dollars – then accountability starts to break down. Two-tier education systems begin to be developed.

The students who have the least are the students who are in central Alberta, not northern Alberta, and it is because in northern Alberta the dollars available are inordinately high. That isn't to say that across Alberta there aren't real issues in native education, but it's just the dollars available. Go to Lac La Biche. I mean, they're fighting to find a frying pan to do home economics. I go to Fort Chipewyan, and there are 36 computers there; it took two years to get the software for the computers.

MS CALAHASEN: So what you're saying, then, is that all people should be taken equally, that funding should come as equally as possible . . .

MR. MEAKES: Right.

MS CALAHASEN: . . . and that there should be no special status for anybody.

MR. MEAKES: Equal opportunities for all people.

MS CALAHASEN: On an educational point of view.

MR. MEAKES: Yes. I also have to say that my experience in the postsecondary level is that in many of the bands at the postsecondary level there are not enough dollars available, as there were prior. All of a sudden we go from a middle elementary school where there's almost the oppression of dollars at places to the postsecondary level where bands are extremely short in terms of education because of the federal jurisdiction. So in Saddle Lake only one out of 10 students who want to attend postsecondary education have funding. In terms of the system, my perception is that as long as there are two systems, a federal and a provincial presence in education, then there will be inequities that exist for native people.

MS CALAHASEN: So there should only be one system of funding.

MR. MEAKES: Yes.

MS CALAHASEN: Thank you.
Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: I'm sorry. I don't know whether I missed something. Did you get to the fifth method of assessment?

MR. MEAKES: I think the fifth issue in terms of inequities is mobility and education. Mobility, particularly for people who drop out of school, becomes a real issue. For native people in the surrounding areas who come to Fort McMurray and are 16, 17, 18, frequently they are referred to return home because that is where their band is. So there is a kind of imprisonment with the reserves that does not allow for basic Canadian citizenship in terms of mobility. If you go back to your band, you'll be cared for, but if you are here, we do not have any supports. So the opportunity to chase both education and employment is not universal. That's a delivery of the Constitution issue.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Mr. Chairman, a most interesting presentation. Most interesting in a number of ways. I guess, first, so that I'm clear, you're really saying from a constitutional perspective that you don't want any more federal involvement in it and you'd in fact like less provincial involvement in the administration portions of it. Is that right?

MR. MEAKES: Well, there's no question that the province's presence in education is presently entrenched and should remain. I think maintaining the financial relationship with local education and sustaining that is critical in this province in that there has been an erosion over the last two decades.

As far as the federal presence, I think the transfer payment model and "you stay off the turf" works better. I just believe that the more we have the federal government at the local level, the less helpful. If it means there has to be local leadership, then treat it as a municipality or a school board for the people who live there. Use the existing structures rather than overlaying something that's synthetic or from Ottawa.

MR. ANDERSON: Okay, thank you.

The other area that's very interesting is your suggestion that we treat all students the same. I haven't personally got a conclusive opinion on this, but those on the other side would argue that in the native community the development and the cultural preparation for school hasn't been enough to put them on an equal basis and therefore there has to be something to allow for that equal starting point or to at least help them through that process. Obviously you would disagree with that.

MR. MEAKES: Well, let me put it this way: I think all the dollars are available, particularly with the philosophical articulation that the province espouses, to enable students to move into that process. If it's an issue of nonreadiness for school, that is irrespective of racial origin. Right across this province we have students that are less ready, but to say that we'll have more money here because these are native persons and they're less ready is racial in its essence. If constitutionally we can say anything, it's that Canadians are Canadians. So the issue then is: what do these people need? Well, in terms of developmental issues, these are persons like other persons who may have developmental issues, and the dollars will be available.

MR. ANDERSON: I see. So you're saying that the province's criteria for involvement in the school system is an adequate one, and there shouldn't be another criteria from the federal level of where it should go because of the native jurisdictional question.

MR. MEAKES: No, I don't think so. Our major issue in the north is not the culture shock that native students experience in the school but the culture shock of the ill-prepared teachers who invade the school. Right across the north we have teachers, and the average is an 18-month stay. If you don't know the families and the homes and the places that people come from, who's delivering culture shock? I mean, it's the foreigners who come into the communities. So the problem in the delivery of education is not those kids who arrive there and who may not have seen as many printed books as white, middle-class kids; the issue is the teacher who assumes in terms of developmental issues: the student is here.

If we need enhancement, it's probably through family development. I mean, for many families schools are obtrusive and dictatorial, and the family trust in the school system is not there, so the issue becomes one of teachers' relationships with homes.

MR. ANDERSON: Okay. Thank you. One other point just to clarify. In your original comments you talked about the French language and the school system. Did I hear you right that you said there is less involvement or less desire to get into bilingual programs in Fort McMurray now than there was before?

MR. MEAKES: Yes. That has peaked.

MR. ANDERSON: By peaked, do you mean you're at the same level as you were a while ago?

MR. MEAKES: Less than. There's been a diminishing of French students.

MR. ANDERSON: Interesting.
Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Yes. Just for clarification, if I might. You referred to three main issues, two of which were the federal role in education, firstly, and then, secondly, native concerns with respect to education. I'm somewhat puzzled by the nature of the problem that you envisage in respect of the federal role in education. I think you referred to overlap, the risk of a two-tier education and so on. The only area in which I have heard or am aware of actual federal involvement in education in that sense would be in respect of the natives, because the rest of the funding is transfer payments in which there are no ties whatsoever; the federal government just gives the provinces the money. One of the concerns that have been expressed, in fact, is that the money is just given without any ties. So would it be fair to say that the concerns you've expressed relate to the actual hands-on administrative types of problems you've seen with respect to native education and that's the type of thing you don't want to see replicated with respect to any of these suggestions for more federal involvement?

4:52

MR. MEAKES: No, there's more. At this point Canada employment and development of Canada's employment initiatives are large in this province, and they're handled through the local employment centres. By and large we have co-operation. I can think of a number of situations where we've had redundancy, but by and large those initiatives could be handled through Mr. Weiss's department. Send the money. Why duplicate staff? Those initiatives increasingly are of an educational nature. They're not just employment training.

MR. CHUMIR: Sure.

MR. WEISS: Can I applaud?

MR. CHUMIR: They sound very much, though, like hands-on administrative type of involvement in terms of specific programs. Is that . . .

MR. MEAKES: I don't think it's just administrative. I also think it's how at a federal level we conceive of how labour changes. At a federal level increasingly we've looked at the labour market as being trained into change or educated into change, and as we've ended up with – I don't know what it is – one out of five Canadians financially dependent on some form of government aid, the federal government's initiatives in employment are becoming increasingly vague, increasingly of an educational nature, and often very disruptive in that they are so short in length that the money is thrown at a problem and then withdrawn. Throw them the money and pfft problem. It undermines our postsecondary education stability.

That's a very distinctive issue though. Because personally I would have to say – and this comes largely from the college I am not representing today but have experience with – that at a postsecondary level the federal government has probably created more chaos than initiated positive initiatives because they are so short term in nature, very trendy. They've done the same thing now at high school with the high school retention programs: short-term commitments. Most high school dropout problems are solved over a decade, but you throw $200,000 or $300,000 at a problem in a community and then withdraw it, throw another $200,000 or $300,000 at a problem. If you just made a $100,000 commitment for the next 10 years, you'd probably see some resolution. So I find that is a different issue, and it probably is constitutional in nature. Tighten up the Constitution and send the money.

MR. CHUMIR: We've heard from some presenters, particularly in Calgary, that there is a crying national need for some form of co-ordination, some form of national standards. It has been suggested that that is a role the federal government should be playing. We've had concerns with, you know, different numbers of grades being required in each province and things of that nature.

Earlier this afternoon we heard Mayor Collicott suggesting that perhaps a mechanism that might be used would be similar to what we have in the medicare system, where there are certain types of overarching standards and then the actual administration of how things operate is put into the hands of the one level, the provincial government, and through them to the local jurisdictions. Do you think there would be room for a role of that nature, particularly if the federal government were committed to keeping the money coming?

MR. MEAKES: I think in terms of the standards of education . . . Like what is grade 12? It's critical that we have some pretty strong national standards, but I don't think that automatically implies control over funding. I mean, if we say there are three provinces that really can't teach grade 12 and they're at grade 11 so we'll cut 10 percent of their funding, I'm not sure that would make a lot of logical sense. In health care it does.

So, yes, the Alberta trustees association has worked very strongly with Alberta Education to work together with the other provinces in establishing universal indicators in terms of progress. That would be extremely helpful, but I don't think it puts at risk any national funding necessarily.

MS BETKOWSKI: Thank you for being here. It's very interesting to me to get the sense of a federal perspective on education, which frankly you don't get unless you come to areas like the north where you're dealing with the federal government far more directly in education delivery than probably lots of other parts of the province are.

My question is with respect to . . . I want to take you one step further and ask for your views. You talked about if there are tests for achievement, those results be shared and not hold back in the interests of caring for people. If those standards were shared and a particular group were shown to have achieved less measurably, not naming a group, would you think it would be proper for the education system to try and focus in on the needs of that particular group or community or school or whatever, thus creating not an equal education system but one that's trying to bring perhaps another group up to a particular standard? Now, is that a fair . . .

Let me extend it into the health argument, because you talked about the cost to education of fetal alcohol syndrome and its incidence. Knowing that and its incidence in the native population, which can probably be documented – certainly native health status in Canada is measurably lower than the rest of the population – should the province, or whoever, not be trying to improve that health status so that as opposed to dealing with the cost-to-education argument, you're dealing with the cause of it, which is trying to have healthier pregnancies as an example? I'd be interested in your thoughts on that whole issue of equality versus equity.

MR. MEAKES: Well, I think the first thing is that all should have equality of opportunity, and I think that's the first point we have to begin with in terms of education. Every child that enters kindergarten or grade 1 should have an equal opportunity to enter that system and have the resources and the teaching that is sensitive to where they come from.

MS BETKOWSKI: So in other words, you would treat different ones differently depending on where they arrived at at grade 1.

MR. MEAKES: I'm not suggesting we treat people all the same way. What I'm saying is that they should have an equality of opportunity and an equality of outcomes. So if we're not achieving the outcomes of an equal nature, then we need to be critical of the system we're trying to deliver, the education system. If different people need different things, it's not because they're native or Ukrainian or boat people or an English as a Second Language crew of students but because in terms of performance we need this to achieve this. I think it's only at the point where we are open and public with how school jurisdictions do that we will develop the sense of criticalness and accountability that in the long run will allow all students to have an equality of outcomes.

MS BETKOWSKI: Do you think that's achievable?

MR. MEAKES: I do, but unlike the Minister of Education, I don't think we'll achieve it by the turn of the century. I think we've got a generation of hard work to see equality of outcomes in the north, because we have not achieved cultural compatibility. Northern culture, whoever's it is, is quite different from most of the educational ethos. And because we import all our teachers, the consequences of achieving the equality of outcomes is very hard.

MS BETKOWSKI: I guess I don't understand what you mean by equality of outcomes. Does that mean everyone has to get a grade 12?

MR. MEAKES: Well, 70 percent of people graduating. If 70 percent of people in Edmonton are graduating with an academic grade 12 that says this is the case, then the same is true in terms of Fort Chipewyan or other remote areas of Alberta. Unless we look at the outcomes, we have no way of saying, "How are we doing?" And so far we're not. That's the first step we're not doing. We're not saying, "Really, how are we achieving?" When we do have that information, we get very embarrassed and hide it.

MS BETKOWSKI: Thanks.

MS CALAHASEN: I just want to follow through on what Mrs. Betkowski was asking. You were talking about the quality of outcomes and how are we achieving. My question before that was to find out who's responsible, though, for those outcomes. I guess that was a question I was trying to direct to you. Who is the responsible party for those outcomes in order for us to be able to get the kids to achieve those outcomes we have established?

5:02

MR. MEAKES: I would say the principal people in those are our school principals and trustees.

MS CALAHASEN: They're the ones who set the standards in terms of what has to be done.

MR. MEAKES: Yes. They're the people who have their feet on the ground. Now, the province has a role . . .

MS BETKOWSKI: Are they setting the standards? Is that what you're saying?

MS CALAHASEN: Right.

MR. MEAKES: They are the ones that will determine locally whether those standards are achieved.

MS CALAHASEN: Right. Okay. Yeah.

MR. MEAKES: I think the province has put enough in place to make it work. Our question in terms of accountability then becomes: are those people who have most influence in the situation?

MS CALAHASEN: Are you talking about in the delivery of education or in the objectives of education?

MR. MEAKES: Well, in this case, at the level of a superintendent, trustees, and principal, you now have all those ingredients interfacing.

MS CALAHASEN: Presently.

MR. MEAKES: Yeah. Now, whether it's delivered or not is another question.

MS CALAHASEN: Right.

MR. MEAKES: My point is that because we have so many jurisdictions, quite often those groups cannot effect that. We have a federal presence, two-tiered board systems, and all sorts of things. It becomes very confused who actually is accountable, who will carry the buck.

MS CALAHASEN: So that's where the accountability . . . The buck has to stop somewhere and it doesn't presently is what you're saying. Okay.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. Dan, you seem to have a clear handle on some ways of dealing with the inconsistencies and redundancies that come when there are too many layers involved. You talked especially about the federal layering on and the problems that creates. I think that would help to maybe pacify, for instance, as Mr. Chumir put it, the crying need for federal involvement that a couple of people echoed in Calgary when we were there.

First, regardless of where this committee goes, I just want to encourage you to keep on with your thoughts and initiatives at the local level, because I think they're going to have a positive impact. Can you just give us a couple of quick details on what you meant when you talked about if there's going to be enhancement at all, family development is needed. Do you see the school itself playing the key role there? How do you see that working in?

MR. MEAKES: Well, we inherited a culture of education in the north that is imported. I don't want to get into the details of the history, but the very culture of education is import/export. Starting with the residential schools of the north and ultimately in terms of our present education system, there is something about education coming from outside and then dealing directly with kids. As a consequence, much of the family fabric, whether it's strong or weak, we try to sidetrack rather than adopt. For those schools that have had greatest success among native people, it's been when the family has been a primary factor or presence in the local schools. For some of the students, the families they come from are not strong. For many of our young teachers who go to the north, respect for those families is not easily achieved, but in that relationship is ultimately the success of education. It's found in the relationship between the teacher and the family's trust in what that teacher is doing. If that is present, then we'll see success; in education in the north there will be a great deal of hope. The relationship between the success of the student and their day-to-day presence in the school and family success are very closely intermeshed. So how we conceive of teachers in the north culturally becomes different; their role in the community becomes different. An example for teachers starting in the north: it would probably be helpful for them to spend two weeks to a month simply visiting in the community before school even fires up in the fall, simply so they're known as people as opposed to this imported person who comes for a year.

MR. DAY: Good thoughts. We could explore it more, but our time is going. Thanks.

MR. DEPUTY CHAIRMAN: As a matter of fact, I think it's almost gone.

Dan, on behalf of the committee, I certainly want to express our sincere appreciation for your attendance this afternoon and the very valuable and well-articulated information you've given us.

MR. MEAKES: Thank you very much. I feel very honoured to have had this opportunity.

[The committee adjourned at 5:07 p.m.]

7 p.m. **Monday, May 27, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: We're going live via ABC channel 10, it being 7 p.m., for the resumption of the hearings of the select special committee of the Alberta Legislature on constitutional reform. This is an all-party committee and is represented by Progressive Conservative Party, New Democratic Party, and Liberal Party members of the Legislature. Its purpose is to consult with Albertans as to their views with regard to Alberta's place in a new or restructured Canada. During this week the Assembly has been adjourned for the purpose of allowing the committee to divide into two parts in order to cover as much of Alberta as possible in public hearings that commenced last Friday afternoon and will end this coming Saturday afternoon. As we all know, today we are in Fort McMurray, tomorrow in Grande Prairie, Wednesday in Hinton, Thursday in Red Deer, and Friday and Saturday in Edmonton. That's this half of the committee.

We were very pleased with the quality and the quantity of presentations received this afternoon and are looking forward to another useful meeting with Albertans here in Fort McMurray this evening.

Our first presenter will be Danny Law on behalf of the Catholic school board. The Chair would invite Mr. Law to come to the table at this time.

MR. LAW: Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you. Welcome. With Mr. Law is Mr. McKinney. You're also welcome, Mr. McKinney.

MR. LAW: I believe you all have a copy of the brief.

MR. DEPUTY CHAIRMAN: Yes.

Well, Mr. Law, we have allotted 15 minutes, but because I believe there are only two more people after you who have indicated a desire to present so far, we will not hold you strictly to the 15 minutes.

MR. LAW: Well, I will try to do my best.

MR. CHUMIR: You can go 16.

MR. LAW: I can go 16. Thank you.

Welcome to the city of Fort McMurray. Thank you again for this opportunity to address the Select Special Committee on Constitutional Reform, the all-party committee of the Alberta Legislature.

The Fort McMurray Roman Catholic separate school district No. 32 currently enjoys a special mandate within the provincial educational enterprise. The purpose of this presentation is to enlighten the committee on the value of this mandate.

The Fort McMurray Catholic schools have served students of the community and the region since 1936. Today our Catholic schools serve 3,700 students, ECS through grade 12. This is approximately 41 percent of the school-age population of the city of Fort McMurray. The school district employs 330 full-time staff, of which 220 are professionally certified to instruct students. There are eight schools: one high school, one junior high, four elementary, and two elementary/junior high schools. Two ancillary facilities include an adminstration centre and a plant maintenance and operations centre. The most recent school was constructed in 1984; however, between 1975 and 1984 the school district built six of the eight schools. The original St. Johns school was built in 1937 and modernized in 1986. The school system is governed by a board of trustees elected for a three-year term, and of course the last election was held in October of '89.

The value of this background information is to convey to the committee the historical context of the Fort McMurray Catholic schools. The school district is a long-standing member of the many service groups in the city of Fort McMurray. The school district has successfully responded to and managed the challenge of two distinct growth periods associated with oil sands development, respectively the 1970s and the 1980s. One of our key organizational values states: "Each person is a unique gift from God; Christian witness and service are our gifts to one another." This value recognizes the spiritual dimension in all people. Our Catholic schools try to explicitly nourish the spiritual dimension through relationships and a service focus that characterizes how we work with clients and the personalized service offered within the schools.

Another one of our organizational values states: "The Fort McMurray Catholic school system belongs to the community." This value is important to us and to the community. We believe that the Fort McMurray schools will be here to serve the Catholic school residents of Fort McMurray many years in the future. We further believe that our educational enterprise can facilitate and assist in future community growth by ensuring that a strong and quality system of education is available to community residents of tomorrow.

The purposes. The current mandate assigned school boards by the provincial Legislature allows boards to provide educational services which are derived from the needs of the resident child as determined by the elected trustees. School boards, for example, are accorded considerable authority to develop and modify curricula, undertake cultural and recreational activities, requisition fiscal resources, deploy human resources, et cetera. Such authority is consistent with the view that educational services be determined to reflect local needs. While school boards are creatures of the Legislature, their effectiveness, if not their very existence, is significantly influenced by their responsiveness to the local electorate. One very critical measure of responsiveness is the extent to which the electorate perceives educational services as matching the needs of their children.

In general, the educational mission is to meet individual and social needs. The former includes the physical, intellectual, social, emotional, and spiritual needs of each student central to the development of a positive self-concept, seeing oneself as worthy, wanted, and desirable. The latter includes nurturing a productive environment, preparing members for the assumption of useful social roles, developing effective communication modes among its members, developing common ideas and meanings, limiting through law the members' behavioral range, and establishing procedures to ensure continuity and improvement.

There are two distinct components to public schooling; both are publicly funded. They emanated historically from Protestant and Roman Catholic traditions but may be essentially nonconfessional. The first chronologically established is termed "the public school"; the second, "the separate school." A declaration of faith, Protestant or Roman Catholic, determines residency in the separate school component. The public school is designed to accommodate the secular needs of the child. When its orientation is of the Protestant or Roman Catholic traditions or when it is sufficiently petitioned, it may also accommodate the spiritual needs of the child. Separate schools are created by ministerial decree and by virtue of the constitutionally guaranteed historical right and privilege afforded in a community to the Protestant or Roman Catholic minority on establishment.

What distinguishes Catholic schools provincially is their common approach to Catholic school identity and leadership. Purposes are articulated locally in school board policy. Catholic education in Fort McMurray is a valued opportunity. The school district educates 41 percent of the school-age population in Fort McMurray. About 10 to 15 percent of the students are non-Catholic and enter the Catholic schools to gain Christian spiritual formation and become a member of faith community, to seek a positive and orderly school climate, to achieve academically and build the self-worth of the individual.

7:10

What is valued by the Fort McMurray community? There are three distinct dimensions of Catholic schools: teaching all subjects well and, especially, teaching the gospel of Jesus Christ; forming community; and serving others after the example of Jesus. These are essential qualities. The Fort McMurray Catholic schools are guided by a mission statement contained in appendix 1, an organizational values statement contained in appendix 2, and a purpose statement contained in appendix 3.

Within a Catholic school one should find an emphasis on integrated learning; the development of a sense of history; art, speech and drama; and service. Catholic schools complement the values that are promoted at home. The students from homes with value systems congruent to the values of the schools are likely to benefit most from the Catholic schools. In Fort McMurray, Catholic schools seem to be able to overcome and compensate for the disadvantaged backgrounds of some students who do not receive enough support in their homes. The school district has adopted a pastoral care approach to working with families, students, and staff. To accomplish this direction, the school district has broadened its service base to include social, physical, intellectual, aesthetic, spiritual, and family dimensions of schooling. Community service is a unique offering of the senior high school religious education program. As well, our Catholic schools stretch into the community by undertaking many service functions involving the youth. Examples of these activities include Santa's Anonymous, cystic fibrosis, the food bank, et cetera.

The school climate, ethos, or culture is a significant contributor to student learning and productivity. A recurrent theme in the research on effective schools is that good schools have a sense of community, which has a positive effect on the quality of life for both teachers and students. The culture of Catholic schools supports the religious and academic norms of parents by establishing a strong academic curriculum, by having clear expectations for learners, and by creating a communal atmosphere among staff and students conducive to the social and spiritual development of the students. Our parents and communities speak highly of the order and deportment of the Catholic school students. Our student academic achievement is greater than the provincial average in elementary schools and in most subjects in secondary schools.

Further, Catholic schools extend beyond the schools themselves to include parents and other adults from the larger community of which the schools are a part. This is one significant reason that the school district operates three designated community schools pursuant to the provincial guidelines on community schools.

The significance of the protection of minority rights for Catholic separate schools is essential to maintain and foster the growth of the purposes described above.

The constitutional framework. There is a legal basis to Catholic separate schools in Alberta. Justification for retaining the rights, powers, and privileges currently held by separate Catholic school systems can be posited from at least two different yet equally significant positions, the legal and the ethical. Regarding the first, legal rights of separate schools in Alberta are defined in three distinct pieces of legislation: one, section 93 of the British North America Act 1867; two, chapter 29 of the Ordinances of the Northwest Territories 1901; three, section 17 of the Alberta Act 1905.

In view of possible constitutional changes, each of these warrant elaboration. Relevant parts of section 93 of the British North America Act 1867 read as follows. Mr. Chairman, I would refrain from going through all these at this stage. I'm going to the summary on page 10.

The Fort McMurray Roman Catholic separate school district No. 32 operates on a strong foundation with the community and surrounding region. The special mandate is central to the provision of public education in the Roman Catholic tradition. It enjoys the support of other religious denominations within the community. To alter the constitutional framework which protects the rights of Catholic separate schools would have a major impact on the defined purposes of Catholic separate schools. Therefore, the Fort McMurray Roman Catholic separate school district No. 32 recommends that the Select Special Committee on Constitutional Reform ensure that any Alberta involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights presently afforded to Albertans under the Canada Act 1982, section 93.

Mr. Chairman, that is our brief, and at this time I would like to again thank you for the opportunity to present it to you in this committee.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Law.

I guess to summarize, you're a strong proponent of the status quo as it affects education in our present constitutional arrangements.

MR. LAW: That is correct, Mr. Chairman.

MS BETKOWSKI: I'd like to . . .

MR. DEPUTY CHAIRMAN: Yes, Nancy.

MS BETKOWSKI: Nice to see you again. We had your counterpart here from the public system this afternoon, and we were having quite an extensive discussion about several issues in education. One of them was really about French language education, which I know is something that your school trustees and this board in particular have had some experience with, and in particular the issue of section 23. Now, I know we've had the consultation going around the province with respect to section 23. One of the comments that we've heard was, "Commit to French," – I think I'm paraphrasing it properly, what we heard today – "Commit to French, but don't overlay yet another set of school boards on the implementation of section 23." I'd be interested in your comments with respect to that suggestion.

MR. LAW: What we have in our system is that at St. John's junior high school, we have a three-track system. We have the French immersion, the English, and the Francophone program. I believe we have approximately 62 students in the Francophone program, and that was initiated two years ago, I believe, at the request of the local Francophone population and done to meet the requirements of chapter 23. Yes, we are awaiting the report from the government. At this stage, being the end of the school year almost, we are trying to find out what the enrollment will be for next year, because what kind of expansion are we looking at? We certainly don't intend to drop it, but at the same time, of course, you have to be realistic with regards to where numbers warrant. We intend to meet our obligations, and we will carry on doing so. If the numbers are sufficient, then we'll take that step as it comes along.

MS BETKOWSKI: Are you providing the French milieu within your existing schools, or do you have a stand-alone school for that purpose?

MR. LAW: We provide that within the school.

MS BETKOWSKI: Within your existing school, the French, the Francophone . . .

MR. LAW: Yes. We have a wing that's l'école français.

MS BETKOWSKI: Okay. Interestingly, if I may be allowed a comment, I'm sure one of the issues that has to be dealt with is the difference between the separate school rights in the Constitution, which say – correct me if I'm wrong – once established, all individuals of that faith belong to that district.

MR. LAW: Correct.

MS BETKOWSKI: As opposed to French language rights, which are that if you choose to access them, you can. In other words, a Francophone doesn't have to. So that juxtaposition is a very different position for those two rights.

MR. LAW: I can see complications where the Francophone may not be of the Roman Catholic faith. That's where I could see some headaches.

MS BETKOWSKI: Another one? You mean another layer of them.

MR. LAW: Yeah. Well, I think again we have to be realistic though.

MS BETKOWSKI: Well, that's helpful.
Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Well, if there's nothing further, thank you very, very much, Mr. Law. We appreciate your contribution.

MR. LAW: Thank you, Mr. Chairman.
I enjoyed seeing you again. Thank you very much.

MS BETKOWSKI: It was nice to see you.

MR. DEPUTY CHAIRMAN: Our next presenter would be Bob Dodds. Would you like to bring your . . .

UNIDENTIFIED SPEAKER: You left your name, Bob.

MR. DEPUTY CHAIRMAN: For the purposes of the viewers. Welcome to our committee, Bob.

7:20

MR. DODDS: Good evening, ladies and gentlemen. I'm going to speak pretty well off the cuff and from the heart. Being a proud Canadian first is one of my biggest sights I see for Canadians, and I say that because with the Canadian Armed Forces, when we were shipped overseas, we realized what a Canadian was. Up until that time, no, we were an Albertan. Now, it's a big difference. People outside of Canada just admire us to no end. They would give their left arm to become a Canadian – anything. They can't believe how open a country we've got. One way we can possibly get this to our people . . . We're too old; it won't do us any good to be able to get reeducated. But our young people, give them the opportunity to learn what a Canadian is.

I've got a few ideas to help us. One thing our young Canadians did overseas when they went to ECS – well, they started school over there at 3 years old; they didn't wait till 5 – is that they learned French. Because we lived in France and Belgium, it was only right that the children learn. When we were in Germany, the children learned German, and there was no shame; everybody was proud. They could speak it fluently by the time they were in grade 1, and they'd interpret for us adults. So I think if we're going to be bilingual, we have to start at an early age. I remember as a young fellow it wasn't compulsory for us to have French until grade 7. Well, forget it. It was so engrained in me that I didn't want to be French, so I refused to learn to it.

Now, tying this in, when I was in the Royal Canadian Air Force, I had many fine French Canadians working with me and serving with me, and I was proud of those people. We got along well. They came from the small counties like we did, and we had a very good time. When we were shipped overseas as Canadians – not as Albertans, not as Quebecois; as Canadians – we all stuck together, and we helped each other out. I was very proud to be a Canadian.

I would ask also that our education be the same in Canada right across the country, not that grade 13 in Ontario is better than grade 12 in Alberta or vice versa. You know, as Canadians we interchange provinces all the time, and we've got to reeducate our children. They're usually a year behind, or it's very difficult to catch up. This is what I say being a Canadian is: make it equal across Canada. Also, I feel we should be teaching our young people Canadian history. Can you as MLAs go to your people and say who were some of the Canadians who won Nobel prizes 20 or 30 years ago? Can we? Can we go back to our young people and ask them who were some of our . . . We have famous doctors right from Lac La Biche. How often do we see that advertised? How can we be proud of our leaders, our people that have done greatness for Canada? Never advertised.

So I'd ask you people also to take the press, which is one of our biggest stumbling blocks for Canadianism, and get them turned around to say, "Here's our proud leaders: Lester B. Pearson; here's McCurdy and Baldwin that flew the *Silver Dart*." The first Canadians flew them way down there in New Brunswick. The Chalk River project, nuclear research; Canada was in the forefront. Do we tell our young people that? We tell them what's wrong with Canada. I'm not interested in what's wrong with Canada. I want to hear the good things about Canada, how well this country has done. You know where I hear it from? When I was over in Germany, the German people kept telling me this: you Canadians are so great; some of your doctors, some of your medicine, some of your nurses have done miracles. And I'm standing there with my mouth hanging open; I don't know what to say to them. They know more about Canadian history than I do, and that's a shame. So I ask that we teach some Canadian history so our young people can be proud of our country.

I ask also that the provinces do what they're good at and the federal government do what they're good at. We have so much of this intermingling. It's what I call protect your ass, and we do so much at every level in Canada. "Well, I can't let the feds do this, so I better have another government minister go and check on them." The feds come back and say, "Well, I'd better have a government minister in each province." Why? Why do we do this? We do good at what we do. Why don't we keep it that way?

I think one of the biggest things or obstacles now – when our country is so far in debt, that hurts all the people that have forward-looking futures. It's got to. If your wife had you 25 percent of your salary in debt every year and going deeper every year, how could you be proud of your wife? Or how could you women be proud of your husband if he kept putting you in debt 25 percent every year? And no hope, because nobody will stop, take the bull by the horns, and say that enough is enough. We've got to stand our ground and be proud Canadians, and we still have that time to do it.

Look at Japan after the war: devastated. I mean, heck, when we were kids we used to play with those Chinese or Japanese toys, and they were last year's beer cans. That was a big joke. It was fun. Well, they're not last year's beer cans any longer. They make beer cans better than we can make them now, because they're proud people. When I was over in Germany, you didn't say that one part of the country was worse than any other province in Germany. They'd take you and put you up against the wall and say: "How can you be so silly? We have to re-educate you." Very, very proud people, and everybody was respected. The street-cleaner had an important job, and he was given that respect each morning, right up to the doctor. Nobody was better than anybody else. They were all respected for their positions, and everybody would shake hands in the morning, which was common over there. It didn't matter if it was a doctor or a street-cleaner; everybody was respected for their position. We have to educate our people too. When I worked with the Japanese out at Syncrude, it was the same way: the fatherland comes first. In other words, Canada comes first.

Another way of doing that, and we have to start with our young people, is have an exchange of students. I don't think it'll cost us that much. Here's my idea, and build what you like out of it. I'll go back to much like we did in the Canadian Armed Forces. When we were down in St-Jean's boot camp, they put all the French and the English Canadians together, and after six weeks we were let out. Well, hell, you didn't care if a guy came from Timbuktu; you were glad to go to his home and visit him. It was different from being in the barracks 24 hours a day. You were proud to go and visit somebody, other than that sergeant major having you trooping on the parade square. So we would go to some of the French Canadians', a little town. They'd have us over the weekend, we had a heck of a good time, and it didn't cost anything.

I just came from a bison association meeting up in Grande Prairie here two or three months ago, and we had some French Canadians there. They never came and said, "Hey, you English Canadians, you're way out in left field." We didn't tell them, "Hey, you Quebecois, you're crazy also." We looked at it positively. Those people were very interesting and very nice, and they wanted to see a good Canada too. They know we're all in trouble, but they think there's hope.

7:30

You know what? Having those people mixed, I wished that as a youngster I had learned French. Until I was in the Canadian Armed Forces, uh uh. I wish I had learned some French when I was at Canadian comrades, and I wish I had learned French when I was overseas. I realize it today, because it's me that wants to. It's not the government saying, "You get down there and learn it in night school. Here's $500 tuition. Here are your books. Get your ass down to school, and learn it or else." It doesn't work. But by having our young people go there and live with some French Canadians during the summer for a few weeks, go to like a military camp and then go to live with them for the weekends and such like that, I'd be highly encouraged to learn French, or even Cree or Chipewyan.

Why can't we be all equal? Why do we have to have some people or some countries or some parts of Canada that have status and other parts that have nothing? I'm thinking of Newfoundland. Nobody says it, but she's on the bottom of the totem pole, which isn't right. There are a lot of good Newfoundlanders up here who have done well. Why can't we have it so Canada is equal across? No pros, and no cons. You're not better than me; I'm not better than you. We'll be mighty proud Canadians.

Again, I guess just to re-emphasize what I've said, we start off with the young people, and we get the press on our side to show the good parts of Canada. There's been a lot of goodness in French Quebec. They've done some very wonderful things. We've done some wonderful things in Alberta. B.C. has done wonderful things. They're looking at the Pacific Rim. We've got to look at that for business.

I think if you ever have the opportunity, you must live outside. It's nice to be on holidays, but it's not the same as living. Then you can see how proud. Just to give you an idea, I'll give you some highlights. You may not get this very often. We got lost in Paris. We always go, my wife and another friend and I. We were down in the derelict part. We didn't know where we were. We couldn't find our way out. This was in the early '60s. It would still have been bombed out from the war. There was a fellow that came. He had a cape on and his hat. Jack and I said: "We'd better split, and if he comes before us, we have a chance. We'll get him between us and not the girls." He came out, and he said, "I understand you're Canadians." We said, "Yes." He spoke English. He said: "I was a freedom fighter in Czechoslovakia during the Second World War. Some of your people came over and helped us. I'm just trying to return the favour. I know you're lost. I'll have you out of here in about five minutes. Just follow me." Wouldn't take any money. He was just proud to help a Canadian.

We got lost in Barcelona. We drove around in circles, couldn't find our way out. Then eventually some of the Spanish people stopped the car, and I really got scared. I told the missus, "Lock the doors; I don't know what's going to happen." He started speaking broken English, and he said: "I'm not here to harm you. I know you're from Canada, because I see your Canadian plates. I'll show you out of here." We drove around for over an hour. Didn't know where we were. Couldn't find out. It was impossible. He drove us out and wouldn't take money or anything. He said, "I just wish I could be a Canadian." And all the countries. Holland: their people know more about

Canada during the war and after the war than you could believe, and it made me astounded. Their children could speak six languages. They learned this when they were young people in school and were very proud of the Canadians there. So it's wonderful to be a Canadian, and I wish more people would go outside of Canada and look back at Canada and see how good a country we are.

We still have time to improve our country and get it out of debt, but we must go strongly on that. Then our people will be proud, like when our dollar was worth over a dollar and everybody had jobs because we had no debt: $15 billion, which was a drop in the bucket in those days. Everybody was working for the betterment of the country, and there was work for our young people. We don't have that, and the reason is because we can't afford to have our people work. It's cheaper to put them on welfare, and it's one of the worst things we can do. We have lots of opportunity. Give those people an opportunity to become part of the work force. It's through education. It's not education where we spend millions of bucks making these fancy programs, putting a whole bunch of administrators in, and having about 5 percent results; it's got to come from the young people and what they want. We've got to ask them lots of questions, like if these ideas will work for them. I'm sure it will if we can get some of our good leaders with them and demonstrate to them what is good about Canada and what can be much better.

There's a lot of future in Canada. I mean, we've got everything we need. We encourage our young people to develop the country. I remember my father said, "Get a government job; you're guaranteed a job for life, until you die." Well, as you know, it doesn't work anymore. Just to give you an idea, the foreign people come into Canada, and look how well they do. You can't blame them. Why can't we do this with our own Canadian young people? The old people forget. We're too far gone. We're settled in our ways, and it's hard to take an old dog and teach him new tricks. That goes for the wives too. It's hard to train them to do new tricks.

Okay. That is roughly it in a nutshell, people. I've thought about this, and I've looked at it for a long time. It's right from the gut; it's right from the heart. The biggest thing is to get our press turned around to show the good parts of Canada and the good parts of our people, because I figure that's a very, very big hurdle to jump. If we can do that, we're well on our way to being happy Canadians.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Mr. Chivers.

MR. CHIVERS: Mr. Dodds, you obviously consider education to be a critical component in the development of a sense of nation. I'm wondering. You spoke of having education the same across Canada. Do I take from that that you would speak in support of a constitutional framework which would enable the establishment of national educational standards?

MR. DODDS: I as a Canadian would like to be able to go to B.C., Nova Scotia, Newfoundland, or Fort Chip and have my children receive the same education. As a Canadian, it shouldn't matter where. That's very important to me.

MR. CHIVERS: Right. So you would agree, then, that there should be some constitutional mechanism to ensure that could happen, that there could be national standards.

MR. DODDS: Well, I'm not so sure on all the legalities and technicalities. I like speaking from the cuff or from the heart. I want to go anywhere in Canada, and if I have my children in grade 10 or grade 12, they shouldn't have to repeat half a year or take different courses to be able to graduate. That's what I'm saying.

MR. CHIVERS: Well, thank you for your comments. Certainly a heartfelt statement of your commitment to the nation's unity.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Bob, thank you for your very interesting and heartfelt presentation. We're now wrestling in this country with a couple of competing philosophies. One is that we should transfer a lot of the federal powers totally to the provinces. They should take over matters like social programs and medicare. Get the federal government out of those programs, and just have individual types of programs within the provinces. The competing philosophy is that we need to have some national standards, some national glue, just like you've suggested in respect of the education system. What would your views be with respect to the general issue of strong central institutions in government as opposed to transferring powers to the provincial arena?

MR. DODDS: Well, like I was saying at the beginning, the province should do what it's good at doing, and the federal government should do what it's good at doing. I think that can be done if it's within – in other words, don't spend ourselves into debt. Let's say one province says: "I've got Blue Cross and everything else. You poor farmers out there in the dustbin in Saskatchewan can't afford that. Ha, ha, ha, ha, ha." We can't have that. That's going on, and I don't like it. I like us to be Canadians. Only what we can afford, not luxurious places. We've got beautiful hospitals and everything else, but we can't afford to get sick to go in the stupid things. I can't afford to go in sick to the hospital, because it costs me too much money.

7:40

MR. DEPUTY CHAIRMAN: Are you referring to loss of wages?

MR. DODDS: No. This is a beautiful hospital, and I've got no qualms on that. We've got a third and fourth floor for expansion and such like that. But it still costs us money somewhere for a lot of our little things. If I get a sore toe, I go to the doctor and get two or three days off work. No problem; the company will pay for it. I can probably get a couple of days in the hospital to make it look good, and it costs our country money. I don't care if it's federal, provincial, or municipal; it comes out of our pocket.

MS BETKOWSKI: I see what you mean.

MR. DODDS: A hospital is there when we're really sick. But right now if my toe is sore and it looks a little blue, I can get a week in hospital, and I can guarantee you that I can get it. If I'm a good politician, I'll get two weeks.

MR. CHUMIR: Bob, I'm not quite clear. Obviously, we have to keep things within affordable reason, but are you saying that we should have the same kinds of standards within affordable reason across the country, or are you saying each province should just do its own thing?

MR. DODDS: We must make it so that all Canadians feel good about their country first. Therefore, if I'm sick down in Newfoundland, I should be able to get the same rights as I do in Alberta. That's the way I'd like to see it.

Come again on what you were asking on the first question?

MR. CHUMIR: Oh, I think you've pretty well answered that.

MR. DODDS: Okay. The federal government must look after the outside of Canada. Right now we're getting lambasted and kicked in the teeth and everything else. "Hey, what's wrong with the federal government? You guys are so weak." It's just like anything else. If you're so far in debt, your banker is going to come to you, and if you can't get up and stand up to him – at least if you broke even or you've got money in the bank, you can go to that banker face-to-face and say, "Here's why I need a loan and an investment." But if you're $100,000 in the hole, can you go to your banker and say, "I want a loan to invest in something"? He would just laugh at you and roll over you. That's why I say our federal government must become very strong. Once it's in a position of strength, we as Canadians can do whatever we want. We can't do that now. The bankers, what I call the international money brokers, control what Canada can spend and what she can't outside of Canada. The federal government must be able to look after Canada outside, so we must have a strong government. I don't have any conceptions of how much it should have over the provinces and vice versa.

I'd still like to go back to the old BNA Act. You know, we got by with it for 100 years. Now everybody's made this new pie-in-the-sky Constitution that's causing strife amongst our own people, against you and I and our people down east and our Indian people. I've worked with a few of them out on the west coast in the boat yards, and you couldn't ask for better boatbuilders.

Chief Lathlin in The Pas, very few people will give him – that man changed that Indian band around. Just to give you an example of very smart people, they built a pulp mill up there. The pulp mill said: "Indian band, you've got all the gravel in The Pas. We want it. We will pay you minimum." Chief Lathlin told them to go to hell. The pulp mill said, "You can't tell us big guys what to do," so they went looking for gravel. The next place was almost Flin Flon. That's 100 miles away. The old chief was smart. They came back cap in hand to pay him his price for gravel, and he said: "Now, you people won't buy gravel from me; you'll buy the finished product: cement." He put that pulp mill over a barrel. He sold them finished cement and made that reservation a very proud reservation.

He went one step smarter yet. The city of The Pas was raising the taxes so horrendously. They were small and couldn't afford everything, so they just kept raising taxes. The Chief owned all the land across the river. He said: "Okay, town. We've got to get together and make a deal." The town laughed at him and said, "You can't do that." He said, "Watch me." He made money from all the cement, and he put up a great big mall over there. He said: "All you white guys who want to set up stores, come on over here. My taxes are half price," and all the businessmen moved across the river. You don't think the town of The Pas changed its mind real quick? Very, very smart.

You didn't see the good Indians out to midnight, 1 o'clock in the morning. The good Indians were home with their families. When I was younger, I played soccer, and I never saw those guys down in the bars. Very, very smart people, but they had good leaders.

MR. DEPUTY CHAIRMAN: Ms Calahasen.

MS CALAHASEN: Thank you, Mr. Chairman. Actually, I got most of the information in Mr. Dodds' speech. I wanted to find out – when you said the province should do what it's good at and the federal government should do what it's good at, you made a couple of statements after that that the federal government has certain jurisdictions or certain powers that it should stay with and the provinces should do some of the things that they are already doing. Is that what you're saying?

MR. DODDS: Yes. Do what you do well. There must be a way. I remember when poor old Premier Lougheed and Prime Minister Trudeau – we all know what it is underneath – came to a confrontation on energy programs. Well, if we can't agree, we've got to have a mediator, a Canadian, come and say, "Okay, men, we've got to sit down and be reasonable. What's the saw-off point?" It's better that we win some than nobody win anything and cause strife amongst our Canadian people. There are a lot of hurt feelings over that. I'm sure if we got together and said – it's just like a marriage. You know, you've got to give to the wife a hell of a lot more than she does to you, but that's beside the point.

MS BETKOWSKI: Depends on your point of view.

MR. DODDS: Well, I think you ladies are smart – I really do – and getting better all the time.

MR. DAY: Mr. Chairman, I'm just letting the last comment sink in here.

Bob, you talked about Newfoundland, as an example, not having anything and that that's not right, it shouldn't be that way. We have a system of transfer payments in this country whereby the federal government exacts from certain provinces certain revenues and then spreads them out to other regions. Some Albertans have expressed concern to us that Alberta pays out more than it gets back. Some of those dollars are transferred at various times to, let's say, provinces like Newfoundland, depending on what the economics are. What is your feeling on that system of transfer payments as an Albertan? If it is in fact true that Alberta is paying out more than it's getting in, should it have some say there? What's your sense of that?

MR. DODDS: Okay. Look at what those payments are doing to Newfoundland. Is it putting the province ahead? Hell, no; it's still back in the 1950s. Giving them transfer payments hasn't made those people more happy or more encouraged or feeling more like Canadians. It's just that we've got a hell of a good welfare society. The only trouble is that we're going broke trying to keep it up. But if we do what we did with some of our heritage fund, put it into worthwhile projects so that the people – and I ask that government not get too heavily involved in these projects but cause private industry to get in there to kick their butts and make them produce. If there's an opportunity there, let's say hydro in Labrador, the heritage fund should invest in that. Make private enterprise produce it, because they know how to make producers out of it. Nobody gets slack assed or says: "Oh, I'm tired. I'm going for a week's holidays," and go on welfare or pogey or UIC. I used to see lots of that. Private industry says, "If you're not here, there's somebody else to take your job." But if we put seed money into it with the government supporting those projects – let's say hydro, of which Newfoundland and Labrador have lots – and there's a good return from Newfoundland and they can see the light at the end of the tunnel and we can pay off the heritage fund debt in 10, 20 years, hey, I'm going to be a proud Canadian let alone a proud Albertan, because I've helped my brothers out. But to give them money and say, "Well, the fishing's dead, the forestry's dead, this is all dead, and it's cheaper to put you people on welfare," that's wrong, totally wrong. Welfare's totally wrong. That demoralizes people.

I was with the poor people in Winnipeg, where the Salvation Army did a very good job. I was a scoutmaster down there. Those little people were third-generation Canadians on welfare, and they would have given their eyeteeth to get off it, because they'd seen their parents go to alcohol with no way for them. They would come to that scout troop because we believed in freedom. We didn't treat them as welfare recipients. We had a heck of a big scout troop, a massive scout troop with the Salvation Army, and we treated those people just like they came from the rest of Winnipeg. We'd go on outings, give them exposure, go through all the different big businesses in town to show them the better parts of Canada, Winnipeg in that case. Those young people were proud. Some of them did very well and graduated from school because they saw an opportunity. I'm saying the same with Newfoundland or Nova Scotia. Help them to develop through private enterprise. I'd be proud to invest our heritage fund or even our money. It's going to do something to help those people out. Just like the Marshall plan with Germany after the war. We can do it.

7:50

MR. DAY: Thanks, Bob.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. DODDS: Thank you, ladies and gentlemen.

MR. DEPUTY CHAIRMAN: Our next presenter is Dave McNab. While he's coming forward, is there anybody else in the audience who wishes to make a presentation? Some indication now will help us with gauging our time. I don't see any indication.

Welcome, Dave.

MR. McNAB: Thank you, sir. Mr. Chairman, the gentleman with me is Bill Almdal. He's the president of the Fort McMurray Progressive Conservative Constituency Association. That's the group we represent tonight and the group on whose behalf we wish to make a presentation. Our purpose here tonight is to present and perhaps restate a submission that our group made earlier to a slightly more partisan audience, being the Progressive Conservative annual general meeting in Edmonton. Nonetheless, it was a resolution that was passed virtually unanimously. It's perhaps somewhat different in context or substance than the two previous submissions you heard.

We're concerned, particularly after Meech Lake, that any feeling, right or wrong, that had Meech Lake been ratified, Alberta's position in the country, and perhaps other provinces as well, may have been somewhat compromised in terms of its ability to effectively deal with the federal government. We feel that they were on par when dealing with the federal government relative to other provinces. Obviously, nobody knows at this point what path is going to be followed in terms of constitutional reform, much less where the country is going to end up. It's difficult, perhaps impossible to say right now with any degree of certainty whether there's going to be a wholesale change in the distribution of powers between the federal and provincial governments, but arising out of those concerns is again a feeling, at least in our association, that we do not want to see Alberta either drawn into or backed into a position where somehow they end up being a weak sister in terms of negotiating with the government.

It's obvious to us, for whatever reason and whatever gloss you want to put on it, that Quebec primarily seeks a restructuring of the country. I wouldn't want anyone to interpret our presentation as being anti-Quebec or anti-French or anti anything, least of all antimulticultural. I think Fort McMurray, perhaps more than any other city in the province, is as multicultural as you'll find, and that's largely due to the professionals drawn here by virtue of the plants, people that come from all over the world. As I say, I don't want anyone to interpret this as being an anti-French or anti-Quebec suggestion or submission.

We believe that whatever course negotiations take amongst the provinces, and if necessary directly between Alberta and the federal government, this province ought to adopt a position that above and beyond anything else there is no province and no territory in the country that has any special status or any special powers or any special rights. There might arguably be a reason, perhaps some good reasons, why there are certain people or groups of people in the country that ought to be accorded some type of different status if that's what they're seeking, and when I say that, I'm thinking of aboriginal groups. But in terms of any kind of negotiating position that the provincial government adopts as part and parcel of constitutional reform, we think the cornerstone of that position has to be, at a minimum, that the only thing they would support is equality amongst the provinces and territories in their relationship with the federal government. That particular position has to be understood as being Alberta's position through any type of constitutional negotiations so no province or territory has any special status or any favoured status when dealing with the federal government.

That's the extent of the submission I'd like to make on behalf of our association.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks, Dave and Bill.

Dave, you said we can't tell at this point if there'll be a wholesale difference in the division of powers, provincial and federal. That's true. We can't tell now. But what we are interested in is what you think, because your thoughts can make the difference in terms of what kinds of powers are going to be where. We are trying to represent the position of Albertans that we hear from around the province. What's your view?

MR. McNAB: I don't know particularly whether – I understand what you're saying when you ask for my view. I mean, Bill and I are here making a presentation on behalf of our association. If you're asking for my particular view, my own personal view, I think that whatever the outcome of any kind of distribution of powers, it's got to be based on the idea that it's going to at least be as effective and perhaps more effective and more efficient in terms of running the country and making people feel that they have a part in the country and that they have a say in terms of what goes on. Whether that means a large change or a small change or no change at all in terms of areas of jurisdiction I suppose you'll glean from all of the hearings.

Perhaps I'm a little reluctant to get into what my own personal opinion is, because we're here on behalf of the association.

MR. DAY: Sure, and I appreciate that.

MR. DEPUTY CHAIRMAN: Did you wish to supplement that, Bill?

MR. ALMDAL: Yeah. I was just going to say, when Dave ended up there, that, yes, we are here on behalf of the association. But if we have the opportunity and you don't mind, certainly we can speak about some things that we have talked about but have not cleared with the association. I could add a few comments of my own.

MR. DAY: Bill, just to help with that, a number of people who've presented on behalf of an association or a group, when they've been asked a certain question, have said: "I don't know what my association or group would say, but . . ." and then they clearly differentiate, ". . . my own personal feeling would be this." So you can feel free to do that, should you so desire.

MR. ALMDAL: Well, thank you. I'm an advocate of decentralization and that you put the power where the money is being spent and where the good is being done. If there are things that involve Alberta, they should have the power to carry those things out; in other words, they have the power and the money. So if we're talking about our education, our hospitals, our health care, or whatever, let's put the power to do that right in Alberta. It should be closer to user pay. We will provide the service for Albertans that we can afford. Certainly there has to be a baseline across Canada so we don't have somebody out there that really can't afford the minimal care. There needs to be a federal guideline. This is the minimum that would be supplied to all Canadians, but over and above that, I think the governments of all provinces should have the capability, the power, and the resources to carry out the programs that the people in that province want and desire.

MR. DAY: Okay. Thanks, Mr. Chairman.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. I understand your point about the essential equality of the provinces, and I believe that's been the position of the Alberta government going back a fair little ways. It seems to me that I recall a resolution passed in the Legislative Assembly prior to the 1980 round of constitutional talks, where the Assembly more or less directed the government to stick to that position: don't agree to anything that gives to another province some power and authority that Alberta doesn't get. There's an argument that's made about Quebec – and I think we should sort of put that on the table – that Quebec has certain needs or they perceive that they have a need for greater authority dealing with language and culture, particularly. Some people feel that that might be okay so long as they give up their authority to have any say over those items in the rest of the country. If they're going to take the authority in Quebec, they have no right then to make decisions about how the federal power might be exercised in the rest of the country. Now, you get into some dicey problems here. What I'd like to ask basically is if push comes to shove and the choice is that Quebec either gets some additional authority unique to Quebec or else we say goodbye to them and the end of our country as we know it, where do we sit then? Do we hold to our guns and say, "No, nothing for Quebec that everybody else doesn't get," or do you see any room for flexibility there at all?

8:00

MR. McNAB: Again this is just my personal opinion, but whatever difficulties are plaguing Canada and whatever problems people have in terms of getting their hands on some type of Canadian identity or feeling comfortable with where the country is going, I don't think any of that is going to change if there's a sense that somehow the federal government has treated Quebec more favourably than any other part of the country, and there are going to be as many voices as there are arguments in favour of Quebec exercising its own control over language or its own culture. I think we're probably too far down the road to ever try and undo it. I'm not even suggesting that it ought to be undone, but I think if there's the slightest suggestion that any province, and in this case Alberta, has somehow compromised its own position to keep Quebec in the country and in doing so has ignored people's feelings that Quebec somehow now has more favoured status, that is just going to make the existing problems that much more difficult to resolve. It's not going to resolve anything.

MR. McINNIS: Fair enough. I just want to make it clear that I'm not necessarily talking about giving more to Quebec, just a different type of arrangement in terms of how jurisdiction is exercised. I know this is a complicated area and different phrases come along from time to time. We used to talk about special status, a term that has been used. Distinct society was used in the Meech Lake accord. Some people talk about asymmetrical federalism, which means not that there's quantifiably more benefit but just that there's a different exercise of the jurisdiction in respect of one province which is different than the others. But what I hear you saying is that there should be no such thing, that we should stick to the proposition that every province has exactly the same powers and we shouldn't vary it as a proposed solution to the province of Quebec.

MR. McNAB: I guess what I'm saying is that, for example, Bill has mentioned that Alberta might want to have more control over its own health care and education, and I guess that maybe runs somewhat counter to the idea that the transfer payments are for the benefit of the country as a whole. But what we're pitching to this committee at this point is that there oughtn't to be constitutional reform that results in one province somehow being able to have a closer arrangement with the federal government than any other province. If as a result of this Quebec somehow ended up with particular powers or powers that are peculiar to itself relating to such things as language or culture or what have you, so long as that doesn't mean that they have a more favoured position when dealing with Ottawa than any other province in the country, I don't know that anyone would be particularly concerned if Quebec had more autonomy when dealing with issues about language and culture. What we're concerned about is not having a situation where Quebec somehow has greater, I suppose, leverage or greater power to deal with the federal government than another province. We're just talking about the provinces dealing with the federal government.

MR. McINNIS: Just so I'm quite clear, it would be okay if they had additional authority to make laws within their own boundaries dealing with language and culture, but it's not having more clout with the federal government. That's where you would draw the line.

MR. McNAB: That's right. I think in terms of being equal, if Quebec is given power to make laws that are peculiar to Quebec in a certain area, so long as any other province can do that, then you're going to get the sense that all the provinces still remain equal. If you don't have that, then you end up with a situation where rightly or wrongly the vast majority of people in the country feel that Quebec somehow has some special status, and it's going to do nothing other than alienate them and cause greater division than already exists.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Yes, Mr. Chairman. My questions follow very directly from those of John McInnis. You mentioned Meech Lake. Would it be fair to say that your presentation tonight was motivated by perceptions of the distinct society clause in the Meech Lake accord?

MR. McNAB: When the resolution was first considered by our association in the context of, again, a Progressive Conservative annual general meeting, I guess it was considered in a situation where our association did not want the provincial government to somehow either be drawn into or backed into a position where they would give away something simply for the sake of keeping Quebec in Canada if, in doing so, the result was going to be a different problem but as problematic as the situation we have now. When we took that to the annual general meeting, it was put to the assembly on that basis, that each province has to be equal at the end of the day when the constitutional reform has been accomplished. However long that takes, each province has to be equal in terms of its ability to deal with the federal government.

MR. ANDERSON: Okay. Mr. McInnis raised the philosophy of asymmetrical federalism. We always seem to get a fifty-dollar term each time we have a new round of constitutional discussions.

MR. DEPUTY CHAIRMAN: Triple E last time.

MR. ANDERSON: Triple E last time. You can blame me for that in part.

It is true that today provinces have different authorities because of the different needs that have been expressed through our development as a federation. You don't have a problem with that as long as it isn't a fundamental difference in the weight one holds in Confederation. Is that essentially it in trying to . . .

MR. McNAB: That's right.

MR. ANDERSON: So in trying to resolve the problems now that the nation has, the different needs there of Quebec, Alberta, Newfoundland, would you have any problem with a concept where the Constitution gave the provinces powers but the provinces could individually ask the federal government to exercise those depending on the needs there might be there? In other words, in the Atlantic provinces or parts of them they may find their population and their economics such that they would want the federal government to exercise a particular power, whereas here we may not want that to happen. Or they may want to exercise one in fisheries and we probably wouldn't have a lot of demand for that power here.

MR. McNAB: To be fair about it, I obviously haven't given it enough thought in terms of that level of detail, and the mechanics of it is something that would probably take as long to work out as the theory. But our feeling is that there's a real perception – and perception somehow ends up being regarded, I suppose, as reality – that Quebec is going to get a leg up on every other province or territory in this country. That is probably what causes more anxiety and difficulty than anything to do with "You can only have a French sign on the outside of your store," all these kinds of details. So long as the end result is that everyone perceives that each province has equal weight, as you say, in terms of their participation in Confederation and their ability to deal with the federal government – and again this is just my personal opinion – I think that would go a long way toward making people feel more comfortable with the kind of country Canada is and how it operates. So long as there is the slightest impression that it is other than that, if nothing else it affords politicians of any stripe the opportunity to use that to in some sense cause problems and make arguments to people that perhaps don't have any foundation, but arguments nonetheless. It just seems to foment a lot of strife in the country. If the perception is that all the provinces are equal in their ability to deal with the federal government, then howsoever they deal with the federal government is between the federal government and that province.

8:10

MR. ANDERSON: Okay. Fair enough. Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, counsellor. I think one of the problems or perceptions leading to our current difficulties is that many people, perhaps the majority of Quebeckers, consider themselves to be Quebeckers first and perhaps Canadians down the line. I'd be very interested in getting your own perspective on what you see in Alberta from people you come in contact with in this community, as to whether or not people in this area – first generally, and then perhaps you might give a personal opinion – consider themselves Canadians first and Albertans second or vice versa, Albertans first.

MR. McNAB: When you say in this area, do you mean Fort McMurray?

MR. CHUMIR: Generally, yes. People you come in contact with. Just your perception of how people think, and then I'd like to hear what your own personal feelings would be.

MR. McNAB: I wouldn't have any opinion generally. I think that again because there are so many people in Fort McMurray – I mean, first of all, probably there are very few Albertans in Fort McMurray and even fewer people that were born here. The majority of people in this region have come from another province, and perhaps great numbers of them have also come from other countries. Again, my own personal opinion is if there's that perception in Quebec, it may be something that is voiced only when they are in Canada, and nobody knows if

Quebeckers traveling in the states first claim to be Canadians and then claim to be Quebeckers. In their own country they're probably, as you say, more inclined to lay claim to being Quebeckers before Canadians, and that may be something the whole country has contributed to.

But in this region anyway, my own observation is that there isn't that kind of dual identity, because most of the people have come from other areas of the country and there doesn't tend to be the same emphasis on being from Alberta or being from British Columbia or Ontario or even those who venture to say they're from Saskatchewan, being from Saskatchewan. Being at Syncrude, Bill would have far more contact with people from other areas of the country and other areas of the world, and maybe he has a different opinion in terms of the way people view that.

MR. CHUMIR: Do you, Bill?

MR. ALMDAL: I feel they are Canadians here. I lived and worked in Quebec for some eight, nine years. I left Quebec because I thought it was a separatist province. When I got to Alberta I had a surprise; I felt I might be in another separatist province. But that was many years ago.

But no, I feel people are Canadians here. There's a mixed bag from all over the place. There's a good Francophone population here, a good group of people from Newfoundland. They mix, and they're Canadians and Albertans. I think if you want to talk about people being Canadian, go down to Florida and find the good Canadian contingent of retirees down there. Sure, they're from Quebec and all over the place, but they're Canadians down there and talked about as Canadians. So my general impression in this area is certainly that they are Canadians first.

MR. CHUMIR: What about your sense of self as being Canadian? Would you describe yourselves as Canadians first or . . .

MR. ALMDAL: Yes, very much so.

MR. CHUMIR: Okay. Canadians first, then. If we're to be Canadians, how do we identify as Canadians? Is there a value in keeping some strong national institutions, some things that are reflective of what it means to be Canadian, perhaps in terms of programming symbols, or can we move in a direction where every province just goes on its own and establishes its own identity? Do you think we need those national values and symbols, and if so, what? What is it going to mean to be a Canadian?

MR. ALMDAL: Well, there are symbols. Wherever I've travelled the Canadian flag has carried a lot of weight. In places where they hear you speak English they first of all assume you're American, and the minute they spot your Canadian flag, it's a lot different. They're proud to help you and serve you, whatever, and I think we had the previous speaker talking about that. I've experienced that all through Europe and Australia and the U.S., no matter where I go. If you want a symbol, there's nothing more profound than our Canadian flag and to wear that on our luggage and clothing and such. There are other symbols, but I can't think of one that means more out there to people than our flag.

MR. McNAB: And the health care system. When you travel someplace – again, my own experience is that if there's one thing in particular, say, amongst Americans that is just baffling to them it is the idea of a national health care system. They don't understand how it works. It seems to be something they would dearly love to have. Now, I guess Canadians tend to look at it and say this is too expensive to administer, the same as any other kind of social safety net. You know, Americans seem to think the whole country is full of nothing but social safety nets, be it welfare or UIC or the health care system. Some of those are probably worth maintaining, but it may be that by the same token the time has come to restructure them and sort of make them a little more in keeping with the needs of different regions of the country.

MR. CHUMIR: Well, I understood Bill to say that in terms of medical programs he favoured baseline federal guidelines. Would this be one of the things, some minimum you would consider to be a criteria in the hallmark of being a Canadian, that from one end of the country you know you have a certain standard?

MR. ALMDAL: Yes, let's set basic standards. I think the federal government can set basic standards – they don't have to administer them – and allow the provinces to run the programs as they see fit. Each province again would have equal opportunity to enhance that program. The federal government should set a basic minimum standard of health care, of education, and many other things.

MR. CHUMIR: Okay. Currently, the situation we have in terms of medicare is that there are some general standards in terms of portability, comprehensiveness, universality. I think you have questioned universality, the issue of user pay. But we have those, and in fact almost everything else is done by the provincial government. We make all the decisions. Our system is totally unique. I'm wondering: if I read you correctly, your concern then would not be the fact that there are federal guidelines as much as perhaps disagreeing with the federal guideline that doesn't involve, for example, user pay. Would that be a fair assessment, that it's not the fact of having guidelines, it's the specific guideline that you disagree with?

MR. ALMDAL: What I was getting at when I said user pay: I think you can't have that totally, but you want to get as close to that as you can. User in this case might be the province, and if the province feels they would like to enhance a certain program, then it's up to the elected body to enhance that program. That's not necessarily the individual per se, like you or me. In some cases it is, but in our government I don't think so. The people want to have the programs we do have now. We are moving toward more of a user pay, but that's getting away from the national issue and on the provincial issue.

Did I answer your question, Sheldon?

MR. CHUMIR: You do favour, then, some federal guidelines. What about social programs? Again, not making any assumption as to what the minimum is, do you feel that to be a Canadian there should be a minimum standard of some kind with respect to one end of the country to the other?

MR. ALMDAL: Yes.

MR. CHUMIR: Okay. Now, I just want to clarify in terms of that issue of provinces being equal. The distinct society provision in Meech Lake was one which – I think there's some general concurrence that this created special status for Quebec in respect of its impact on the Charter of Rights. Is that a fair assessment? That's your perception?

8:20

MR. McNAB: That's correct.

MR. CHUMIR: Then your association would have been opposed to Meech Lake on that fundamental basis.

MR. McNAB: To be honest with you, I can't recall that we even discussed it in that kind of detail. I think that at any point in time when you have, for example, the Charter of Rights and the Constitution as it was redrawn in '82 laid over everything in the country and then have the opportunity for any province to come along and say "We don't want to be part of this anymore" or have an opportunity presented by virtue of the federal government and a province or territory agreeing that a province or territory doesn't have to be part of this anymore, that just completely cuts away at the foundation of the whole document in the first place. I mean, that is just bound to create a lot of problems. If the country is going to be a country as a whole and they're going to stick together and pull together, then there should not be the opportunity for one part of the country to say, "We're pulling out when the going is rough."

Again, this is just my personal opinion, but in terms of my own observation as far as – for example, you've been using the war in the Middle East. For all the different points of view expressed in the United States, when they made their decision to invade, once the decision was made, all the dissenters said: "We had our opportunity to say our peace. It's a democracy, majority rules, and now we're going to pull behind our country and our government and support them." That doesn't happen in Canada. Obviously, people have to have an opportunity to say their peace, to express their point of view, but even after the decision is made, the people who don't like the way the decision went continue to dissent and continue to, I guess loosely speaking, cause some problems. We never seem to get to the point here where once a decision is made, people recognize it's a democratic country and, the decision having been made, everyone should be prepared to support the decision because it's made by your federal government. If you don't like it, then you get rid of the federal government at the next election. There seems to be a real difficulty in this country with people continually harping and whining and complaining. Consequently, the federal government is just running from pillar to post trying to piece off every special interest group to try and keep everyone happy. I mean, you can't do it. They don't seem to have that problem in the States. That's why I don't think having a Constitution that allows people to drop out when they don't like the way it's going serves any purpose at all. It creates more dissension and more opportunity for fighting than anything else.

MR. CHUMIR: Could I just skip back for a moment to this distinct society clause. Would you be supportive of a distinct society clause in a new constitutional proposal in the same form as that clause present in the Meech Lake accord?

MR. McNAB: Not if it means that Quebec is somehow going to either have or be seen to have cut a special deal with the federal government that gives them some special powers that no other province has.

MR. CHUMIR: And did you see that as part of the Meech Lake accord?

MR. McNAB: I think that was not maybe a widely accepted view of it but enough to cause the thing not to be ratified.

MR. ALMDAL: There was certainly a perception that there was a status. Even the lawyers that wrote that letter on the bottom line put the disclaimer, and of course the media picked up on that disclaimer and said: see, there could be special powers for Quebec. The fact that Quebeckers speak French and they have napoleonic law versus the English law: well, it can be stressed or stated in the Constitution that they have rulings over that. It doesn't have to be a special status.

MR. DEPUTY CHAIRMAN: A last question, or is there any . . .

MR. CHUMIR: This would be my last question; that's correct. Is there anybody else waiting to get on?

UNIDENTIFIED SPEAKER: Yes, there is.

MR. CHUMIR: Oh, there is. Sorry about that. Well, this has been a particularly interesting one.

There's been a proposal that the provincial government should take over a greater tax jurisdiction with respect to personal taxation. I think the western finance ministers were talking about that very positively at Lloydminster not so long ago. It seems to me that that would involve either, on the one hand, having a system such as Quebec has where we in Alberta, you and I and everybody else, would be filing not just one personal income tax return but two personal tax returns or, alternatively, the federal government would agree to totally get out of personal taxation, which encompasses such a huge portion of its revenues that there'd be no negligible amounts left. I'm going to make the assumption that we're talking about two income tax returns. Would you favour that in order for the province to obtain more fiscal room? Should we be proposing that?

MR. ALMDAL: Well, I hope you realize you're asking us right off the cuff here, but taxes is one of my favourite subjects. No, we don't need two tax systems. We have one and let's keep one. We're totally against any increase in bureaucracy. Sure, the people in Quebec are duplicating the roles of the people in the federal government, and that's a waste of all our money. No, I think we should have greater control over the money we have to spend in the province of Alberta, but let's not duplicate bureaucracy.

MR. DEPUTY CHAIRMAN: Thank you.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I want to thank you gentlemen for coming tonight. This has been a really interesting dimension on the hearings, as the first presentation of a overtly partisan position. It really helps to put . . .

MR. DEPUTY CHAIRMAN: We had the Riverside Exchange.

MR. CHIVERS: Oh, that's true. Sorry. The second.

In any event, it's been a very useful discussion. I want to take us back to your comments about an equity position and no special status for Quebec. My question has to do with language rights, the Official Languages Act and bilingualism. I'm just wondering what that means to you in terms of the application of that principle in the area of language.

MR. McNAB: Again, my opinion is that – I mean, I'm very much in favour of multiculturalism, I suppose multilinguistic rights. It seems, as with so many things, that the perception is that a lot of this is being forced on people. If it wasn't being forced on them, people might be more willing to embrace it. If anything can be done to get away from the idea that these are requirements, I think it would make them more acceptable. The fact that Quebec may want and need and perhaps even deserve more autonomy to deal with items such as their culture and their language is just a product of the fact that when the country was put together, people viewed it as being comprised largely of English and French people. We're not going to change that. It's something that is going to be with us forever, but there have to be certain adaptations made.

Whether Quebec has certain rights in that or not, I don't think anyone is going to complain about that. In fact, I think deep down inside people would recognize that that might be appropriate as long as to give them those rights doesn't mean somehow they have a greater say in the operation of the country or a more favoured status when dealing with Ottawa. Whether it's Quebec and their language or Alberta and their energy or the east coast provinces and their natural resources, each area of the country, each province of the country has things that are close to their heart. To make everyone feel as if they are having their say in the operation of the country, I think that those people, those different regions, have to be allowed to supervise the things that are closest to them. If you start taking language and culture away from Quebec or you take resources away from Alberta, then you start to feel you're just a lesser partner in Confederation and nobody perhaps even respects your presence anymore.

8:30

MR. CHIVERS: Okay. Just to bring it into a concrete situation, then, on a federal level – I'm speaking federally here rather than within the provincial domains and provincial jurisdictions – I take it from that that you wouldn't disagree with the requirement to provide federal services in both languages.

MR. McNAB: All across the country?

MR. CHIVERS: Yes.

MR. McNAB: Well, I don't think it's necessary all across the country.

MR. CHIVERS: Where numbers warrant.

MR. McNAB: Where numbers warrant I think it should be done, but to do it on a wholesale basis, I mean, that's ridiculous. It's not necessary, and it's too expensive.

MR. CHIVERS: So if it was done on a basis similar to the minority language education rights that are protected in section 23 of the Charter, and that is with the proviso that where numbers warrant, you have the right to minority language instruction, you wouldn't have a problem?

MR. McNAB: I wouldn't have a problem with that. I don't know that really anyone would.

MR. CHIVERS: I guess this ties back to the discussion you were having with Mr. Chumir with respect to Bill 101 and the notwithstanding clause. I take it a large part of your problem has to do with the ability of the provinces to opt out of some of the constitutional guarantees, the Charter guarantees.

MR. McNAB: My personal opinion is, to be honest with you, I don't know that it gives me that much concern or, at least, that I've thought about it enough to cause it to give me some concern. Certainly, you know, a lot of other people have. I think if that creates the perception that people can just walk away from a deal once it's made because they don't like the way the deal is going, it's just an opportunity to create further division in the country. I don't think you can truly call it a national or a Canadian Constitution that really provides the framework for running the country if any group of people at any point in time can say, "We don't want to be governed by it anymore." I mean, it just becomes meaningless.

MR. CHIVERS: Yeah, I understand where you're coming from.

Finally, you made a comment, and it seemed to be a bit of an afterthought, but I was wondering if you could expand on it for us. Although you maintain no special status for Quebec, you did make the comment that perhaps aboriginals might be entitled to a different status. I'm sure wondering what you had in mind.

MR. McNAB: I didn't have anything particular in mind. I think what I was thinking when I said that was that, again from our point of view, the harder this is, the equality amongst the provinces or territories vis-à-vis each other and the way they deal with the federal government . . . There are going to be groups of people, be they French people or aboriginal people or whoever, that are going to say, "We are substantially different from the majority of the people in this country," for whatever reason, be it language, culture, race, whatever. "We need the ability to relate differently to the country, to have more control over the things that are closest to us." It doesn't mean that they have more rights in the country or that they have any less rights. It just means that they have a little more autonomy in terms of the way they govern their own group within the country.

MR. CHIVERS: To put it another way, some concrete differences, for example, might justify a differential treatment in certain areas.

MR. McNAB: Differential treatment but not preferential treatment.

MR. CHIVERS: Right.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much for your presentation, gentlemen.

MR. McNAB: Thank you, sir.

MR. DEPUTY CHAIRMAN: Members of the committee, we have two more presenters, so maybe we should pay a little more attention to the clock as we're proceeding now. I hope the presenters won't think that we're trying to cut them off. We'll try to be as expansive as possible.

I'd ask Arthur Avery to come forward, please. Welcome to our proceedings, Arthur.

MR. AVERY: Thank you very much. First of all, I apologize for not having a written submission. I just got back in from Fort Chipewyan, doing a little bit of volunteer work with the Cree Indian band.

My reason for coming tonight to speak to you is that, I guess you'd have to say, I am a Canadian. I want to see Canada stay together, but not at the expense of Alberta, not at the expense of Saskatchewan or British Columbia, not for the benefit of Quebec. I do not see any need for special status.

My background. The Averys were chased into Canada in 1783 as United Empire Loyalists. I'm a second-generation Albertan born and raised in a community that was predominantly Ukrainian speaking. I am a firm believer in multilingualism, and I believe that should be promoted. I do not have a lot of good feelings about the enforced bilingualism, and I'm speaking as a person that has taken five years of French including university and gone through a lot of years in the work force and never had occasion to use it. I see, as I said, reasons for having multilingualism, not bilingualism. I think that in our collage of different racial origins we have in Canada and Alberta, and especially in Fort McMurray, we have to have a tolerance for all languages. So that is something we have to look at in a more definite way.

Getting back to the true Canada, we are all equal. I don't think you can say that anybody has really special status. If you look into your backgrounds, you all have something that is very distinct, and to say that one area is distinct from another, I have very, very great concerns. I can't swallow it; I'm sorry. If there was to be any special attention given, I would say it would have to be to the aboriginals rather than to the French speaking. Our situation with the aboriginal people has gone on much too long and must be settled. I see special consideration, but I do not see special status.

That's basically my reason for being here.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Avery.

I'll just give a moment for the members to consider whether they have questions.

Stockwell.

8:40

MR. DAY: Thanks. Mr. Avery, my ancestors got chased up here about the same time yours did, but then somewhere along the line a great-grandmother married an American from Boston and stayed down there to fight, so there's a mixture of the two. It's not my fighting mood that's coming out right now.

I'm wondering. When you talk about special consideration going to the aboriginal people, I'd just like to ask you: some aboriginal groups are asking for the ability for self-government, and at the same time there has yet to be a clear definition of what that entails, everything that involves. In your eyes should self-government be defined before it's moved in that direction, or should there be a trust on the part of, let's say, the federal government, since that's where a lot of it would reign, in terms of saying, "Go ahead with self-government." Should there be a definition of what that means?

MR. AVERY: I think there should be a definition. I think there should be a designation of areas which will come into effect first and foremost. One of the things I see some interesting results with is in the area of the courts. That is coming into effect now where the elders of certain communities up in this general area are having some say in the sentencing of native youths. It seems to be having some success. These people are then being judged by their peers as it were, and as such the sentence is fitting of their way of life. I think in that one aspect especially self-government is a benefit.

To what extent that should be allowed to expand is an extremely good question, because at some stage some other group is going to say: "Well, there's a precedent. Let's scream, and we'll get it too." All at once you have the first step towards anarchy.

MR. DAY: Yeah, those are some of the things that Albertans are struggling with, so I appreciate your input on that.

Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: I might as well take the opportunity to ask Mr. Avery about his views vis-à-vis centralization versus decentralization. You've heard a lot of the discussion, so I need not get into the detail with respect to the issues.

MR. AVERY: Well, I think there are certain aspects of the operation of a given area that are best managed from a provincial level. However, I am still a believer in the monarchy. I'm still a believer in a strong central government. I think that those have to be the aspects. For example, health care I think is one that has to be universal, but there has to be a tempering of it in the areas that are more prosperous, maybe in a situation that they can be more free with their health care or they can have their fees at a lower rate. That's a possibility, but by and large I am in favour of a strong central government.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Avery.

MR. AVERY: Thank you, ladies and gentlemen.

MR. DEPUTY CHAIRMAN: The committee would now invite Gord Benoit to come to the table. Good evening. Welcome.

MR. BENOIT: I didn't come prepared tonight though I would like to express my concern for this country.

I'm of native background from Fort Chip. I'm a Canadian. I'm a Cree Indian. The Cree Indians are from northern Quebec, northern Ontario, Manitoba, Saskatchewan, Alberta. We, the native peoples, signed various treaties with the English Crown. We never signed treaties with the federal government or the dominion government of Canada, and a lot of those treaties lay about on the wayside.

A lot of people look down and say: "You don't pay tax. I pay tax. I don't live on a reserve or work on a reserve. I pay tax." They say: "You get free housing. I don't get free housing. I pay for my house as well." Then I hear Quebec saying, "If we don't have our way, we're going to leave." Well, that's fine. Perhaps they can leave.

As for the rest of Canada breaking up, I have one question and that is: if this country breaks up, does it revert to the native people? The treaties, as I've stated, were signed with the

Crown, with the dominion government representing the British Crown. Now all of a sudden the federal government, the provincial governments are saying, "We'll go our own way." If we go our own way, the Cree are still in northern Quebec, Ontario, right across this province. We'll still be Cree.

We talk about minorities. The white people in my eyes are white people. You're not Ukrainians; you're not Frenchmen; you're not Englishmen: you're white people.

We talk about the rights of speaking French or English. When I was five, I was placed in a residential school. I spoke Cree; now I speak English. I couldn't learn French because that's what the nuns and our brothers and priests spoke amongst themselves. I had to give up my native language. I couldn't speak that. That left me with English. Now I don't speak my own language. So to ask me to learn to speak French with a name like Benoit . . . They say, "Parlez-vous français?" I'll say no, because I don't. My grandparents did; I don't.

You say, "Well, Quebec says." I don't care what Quebec says. I have no great love for the east. By the east that's Alberta/Saskatchewan border. I'm an Albertan. I'm a northern Albertan. Somebody mentioned earlier on tonight that we Canadians should be appreciative of what we have in Canada. I was overseas a couple of times and I agree; we should be. We should stand together. We should be equal.

I don't agree with giving up what my people surrendered in the land. We made a trade. A trade was made. A contract was signed between, again I say, the Crown and the native people. There was no Prime Minister's signature on the treaty. There was no Prime Minister's stamp on the treaty. It is the stamp of the British Crown. If parts of Quebec were surrendered to the Crown, it's not the Crown of France. In this booklet here it's the British Crown that asked who should be the head of this country. As far as I'm concerned, it's either the Queen or back to the native people. Okay; being native I'm somewhat biased.

8:50

The native people have been looked down upon and misunderstood. If one of the policies of the white Anglo-Saxons is to civilize the savages, as the treaties in history indicate, then we must be turned into white men. Now, that's pretty hard. You come around in January, and we'll notice a difference. To be educated, yes. To be turned into white men, no. We each and every one of us have our own cultural bases. A lot of people will say, "I'm an Indian." Well, I have multiculturalism in my own self, because I'm not pure, but I choose to be recognized as a native though I have more white blood in me. I choose to be recognized as a Canadian. When I go overseas, I go as a Canadian. I don't go as an Albertan. I don't go as someone from Fort McMurray. I live in Canada. I'm proud to wear that little flag on my lapel. To give up this country to the demands of one group of people, whether it's aboriginals, French, Ukrainian, it doesn't matter, to give it up for one group, what do we have? Nothing.

You talk about centralized governments, decentralized governments. The problem is not centralized or decentralized governments. The problem is pettiness amongst people who want a little bit more than somebody else. In Alberta we pay a fair amount of tax to support other provinces that don't have as much. At the same time, we can look down and say, you know, "Look at them; we're so good." But are we so good? I can look down or look up and say, "Look at what the French did to us; look at the English, Scotsmen, Ukrainians." Hey, when it comes down to it, we're all Canadians. You choose to live in this country, you live by its laws. That's where it's at.

We agreed to have to surrender Canada in return for stuff. You guys agreed to give stuff. Also, we were given the option of taking it willingly or taking it at the end of a gun, by law. Whose law? It wasn't ours. That's the way you gave it. They said, "If you guys don't sign, we're going to enforce our laws anyway." So, you know, we signed. We accepted.

When the Constitution came to this country, I wasn't asked. Sure, there may have been some little ad in the paper, but I wasn't asked to come forward. I may not have been old enough. Today I have that opportunity. The country is able, no matter what form of government or who is in power, to rule this land as a unified nation. If we're not a unified nation, then I think we'd better start looking at some other options and trading blocs if we have to give in to one small group. Whether they comprise 25 percent of the population or not, we are one. I speak English not by choice. If I was in Quebec, I'd be speaking French not by choice. So who gives them in Quebec special privileges?

In our history books it says the English and the French had a little battle. There were natives on both sides. Some won; some lost. Last summer we had a little battle with natives on one side, the French on the other, and a lot of bystanders. What for? A little piece of land that by divine right King Louis of France said, "It's mine, and I give it to whomever I choose." Well, today are we going to do that with Quebec? Are we going to say "by divine right," or is it by saying, "If you guys want to go be your own little country, be your own little country"? How about the rest of us? Quebeckers went to the First World War, the Second World War, Korea, and mixed their blood for others. We native people did the same. White people did the same. This is where we're at. Why? Because a small minority in Quebec or the ruling party or the squeaky wheel wants their own little thing, their own little power base.

In Alberta we run into the same thing. You duck into legalities. You know, we should all stop and think a while and look at what is important to the people. Not to the politicians, to the people. I believe this panel here is doing that.

Anyway, I think I've said enough.

MR. DEPUTY CHAIRMAN: Thank you very much, Gord.

MR. McINNIS: Yes, thank you. Actually, I'm very pleased that you answered our little ad, that you found our ad and found your way down here so we could hear from you. We haven't heard from a lot of Indian and aboriginal people directly, except for Pearl. We hear from her all the time.

You raise a very interesting point to speculate about: what would happen if Quebec were to separate? How many assumptions about the past can we carry on with? I certainly have some concerns about what would become of the Cree in northern Quebec, but there's the rest of the country as well. Despite all the problems, I've never heard aboriginal people say before, "We want all of you guys to get on a boat and go back where you came from." I've never heard that, although I've heard some newer arrivals try to send some of the people who came here back on a boat where they came from.

9:00

My question is really about the continued involvement of the British Crown in relation to treaties and aboriginal people. It seems to me that the role of the British Crown is fading somewhat in terms of our country, but we still don't have any recognition in the Constitution of our country of the unique position of aboriginal people. It must be a little distressing to read the Meech Lake proposal about French and English being the founding peoples of our country if you're an aboriginal person, because obviously you were here before either of those. I wonder if you have any thoughts about how that relationship might evolve, or do you think we should really stick to the proposition that the treaty is with the British Crown and leave it at that?

MR. BENOIT: The treaties are legal contracts, and one treaty that I recall states something like, "till the sun shines no more." Now, the Crown accepted an obligation. It has the right to delegate authority, yes, but ultimately it still remains with them, on the word of the Crown by law as long as I live on a reserve. If I don't live on a reserve, I'm my own man, and until 1986 we didn't have a reserve; we had the Indian Act. Even without reserves we had extra laws that applied to us specifically, both good and bad. Now those laws have been removed.

The British Crown accepted as part of the agreement to take care of native peoples. I'm not saying they have to supply them their room and board, but to watch out for their legal rights. When you're dealing with lawyers, you bring in your own lawyer; otherwise, you're going to get shafted. Pardon me, Dave.

The Crown is important, and you watch when any of the royal family come into this country, when they go to the Northwest Territories, which is predominantly native, the reception they get. There's still a lot of royalists there. There seems to be a lot less as we go further the other way, to the east. I'm not saying it's dead in the east. The Crown has by choice delegated its responsibility to the federal government, not the provincial government. The provincial government somehow got involved; I don't know how, but they're involved.

MR. McINNIS: What I'm hearing you say is that you have strong preference that Canada remain united as one country with the British Crown as sovereign to maintain the treaty relationship.

MR. BENOIT: There's nothing wrong with the way it's run right now.

MR. McINNIS: Yeah, basically that's what I'm saying. But I'm wondering if you feel it would be a good idea to put some recognition in the Constitution of Canada of the unique entitlement and rights of aboriginal people in our country over and above the Crown and the treaty arrangements.

MR. BENOIT: If the Constitution is to become the main document of this country, then yes.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Gord, again John touched on some of the questions I wanted to asked. We are, of course, now trying, through this process, to find some suggestions, some potential solutions nationwide to what we will do with the future of the country, and some of the points you touched on are crucial in that regard.

Do you have any suggestions to us that we can pass on as we deal with the constitutional issue on how you resolve outstanding land claims issues? That is, I guess, a two-part question. I ask that as one who sees the overlapping claims that there are and wonders how you start, and is there a way you can suggest to us to start?

Second, following directly on John's point, do you believe that there should be in the Constitution specifically recognition of native self-government, and if so, have you got a definition of that for us, or a meaning of self-government? I think the problem I at least have is: how do you define it, what is it, and should it be in there? I can't tell until I know what it is.

So the two questions there: the land claims, any directions you think we should be going, and the self-government question.

MR. BENOIT: Treaty 8, the one for this area, gave the natives the right to reservations or lands at some time in the future, basically because the governments of the time believed there was nothing of value in this part of the world. The only thing of value was the road to the Yukon or to Alaska, so they took the rights they needed, a law, to create a road in the land. In 1927 – or around that period, '25 perhaps – the Cree band of Fort Chipewyan approached the federal government and asked them for a reservation. In December 1986 they finally signed an agreement whereby land was given. In 1980 I applied for land apart from the band, and no land was given; the province won't release it. So I think the process is a little slow in dealing with native land claims. My grandfather didn't live to see a reserve, and he was a young man when they first applied. So I'd say yes, there's a slight problem; they might speed it up a little bit.

The issues are not very difficult, really, when you get down to it. Basically, it boils down to two items, land and money. You know, it's like that commercial on TV: pay me now or pay me later, but you're going to pay. What's cheaper? Let's sit down and get this show on the road. I made a comment to the federal government negotiators, and they wouldn't talk to me for two years. Why? It's not that they were that busy. Come on, you know there's only so many claims. If all you're doing is native claims and you have a department doing it, then there's a problem, and it's not going out to meet the native people, because they're still wherever they were. So as far as native claims, I'd say try speeding it up a little bit and perhaps listening to what is being said or asked for.

As to self-government, it's difficult to conceive, on my part, when I have chosen to live apart from the band, because ultimately we still fall under the federal government laws. What are they asking for? I don't know. Perhaps some of them do know and know there is no unification of a concept of self-government. It's like if I go over to Europe and ask for a definition of self-government. What am I going to get? Then you come across and ask the same question. Hey, you know, there are various tribes that speak different languages, that have different cultures, that live in different locations, that have different needs. You have to ask them either individually or as a group or as a nation or as a united aboriginal entity.

9:10

MR. ANDERSON: Yes, but can I just ask: is that possible, a united aboriginal entity in terms of reaching those kinds of conclusions?

MR. BENOIT: I'd say keep pushing, and it probably is.

MR. ANDERSON: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. Gord, you started out by saying that you weren't prepared when you came tonight because you didn't have a written submission, but the things you were saying are in your heart and obviously things you've thought deeply about for a long time. So I feel you are as prepared as anyone, and I would hope nobody thinks that because someone has a written submission, it gives any more credibility than someone sitting and speaking from the heart like you do. So I appreciate your comments.

On the issue of land claims, there's a split thing that I want to look at. My ancestors have been on North American soil for something over 300 years, so I have no problem telling people without any shame or anything that I'm a native Canadian. I feel good about that. The land that my ancestors settled on, hunted and fished on not for sport but to survive, and then broke land and grew corn and things like that – now a portion of those people in Quebec are saying today that they don't want to be part of the rest of this. We don't know how many people yet. I understand there could be a referendum that might settle that. So I have some feelings about that. I don't have a lot of legal say right now, but I have some feelings about that because that's where my roots are. Should Quebec take that referendum, should they go ahead and vote that the majority of them say, "We want to govern ourselves totally; we want nothing to do with the rest of Canada," in your estimation, should they still be able to have MPs in the House of Commons? Should they still be able to get transfer payments from the rest of Canada if they need it? If that is going to be their direction, what is your feeling as far as the rest of us in relationship to them?

MR. BENOIT: French Quebec is a small part of southern Quebec. The rest is Indian territory. I heard that on TV, and I liked it. Basically, from my understanding and from my own belief, the native people are still behind the Crown. They want to be accepted as equals within this society, equals that have purchased, through treaty, some rights that are above and some that are not. Like I say, I pay tax like anybody else. If I could get away without paying it, I'd do it, and so would anybody else. But the way it is, it's not going to work. If Quebec and the people of Quebec decide to separate from the rest of Canada, then that answers the question of their representation in Canada. Either you're for it or you're against it.

MR. DAY: What would your feeling be for the aboriginal people in Quebec? Do you have an inkling of that? Let's say they voted and they're voted down.

MR. BENOIT: If they voted against separating from Canada, then I believe Canada has an obligation to protect and maintain the relationship they have, a legal obligation at the very least.

MR. DAY: To the aboriginal people.

MR. BENOIT: To the aboriginal people, which means northern Quebec. We talk about a separation of Quebec. We all envision this province, this huge province. Look at where your population centres are. Look at where your people are. We're not so much down in the south; the native peoples are not so much in Montreal or Quebec City or anyplace else. They're still up in the bush. So I think if Quebec decides, they really should look at other factors as well, not just some politician pushing them on. This is a major decision that could affect their livelihood, their outcome. They may be looking at the resources of an entire province which they no longer own, which by right, I believe, belong to Canada or to the native people, not to Francophone or Anglophone Quebeckers, or Italians or anybody else for that matter.

MR. DAY: I appreciate that perspective.

A final question. Let's bring it here to Alberta: the same type of scenario except this time we'd be talking directly, I guess, about your direct ancestors. If a geographical area within Alberta, aboriginal, whether it be reservation land or whatever – if they, let's say, voted for total sovereignty, total self-government, and asked that or required that of the Alberta government and let's say the courts upheld that, should there be any ongoing relationship there in terms of financial, social, whatever it might be, or would it be seen in your view as a totally independent nation on its own, simply landlocked by another nation? What would be the ongoing relationship?

MR. BENOIT: First of all, I'd say that if we ever came to that scenario, we'd better suck up to B.C. pretty fast. While we're at it, then we might as well go for the western part of the Northwest Territories and Yukon, because with their resources, hey, we've got her beat.

As for the native issue, generally in courts it's a white man's court. It's like somebody mentioned earlier. If it was native people dealing with native people, it may have different results. When we have to depend on white lawyers, and the majority of lawyers are white – I prefer to speak of white, because that's the predominant group . . .

MR. DAY: Some people would say lawyers are all the same colour . . .

MR. BENOIT: I'm not too sure about that.

MR. DAY: . . . in deference to our lawyer friends here.

MR. BENOIT: Oh, I have no problem with that.

With the native peoples, if we look at what we call the law or contracts – and again, that's where it's all tied into – we either say that's it, or you remain and take over the obligations that the federal government has lost. There are no in-betweens. You're talking a serious issue when you're talking about splitting up a country. You look at, as an example, a marriage splitting up; there are some repercussions from that. You look at a country splitting up. We as Canadians will lose our identity as Canadians. Who ever heard of Alberta? Maybe they heard of B.C.; it's nice country. Maybe they've heard of Ontario. Alberta – how many people have we got? Two and a half million, if we're lucky. And that's importing some. Saskatchewan? You know, if they have heard of Ontario, that's because they have a big population base. So what chance do we in Alberta really have on our own? What chance does Quebec have on its own? If France won't look at them, who will?

9:20

MR. DAY: So, Gord, then your view, if it came to that, of aboriginal self-government in a certain land area: you don't see that as being totally divorced from, independent from the province they're in?

MR. BENOIT: Step back and look at it. Is the province of Alberta or any other province willing to have a minority group somewhere within its area of power doing their own thing? Not likely. They would still, whether it's Alberta or whether it's Canada, have to live under the laws. Who's got the manpower? Who's got the firepower? That's what it comes down to. That's what it came down to in Oka last summer.

MR. DAY: Thanks, Gord.

MR. DEPUTY CHAIRMAN: The Chair is going to have to interrupt at this point, because it seems like we have three more presenters, and the committee will be ending at 10 p.m.

Gord, I appreciate your presentation. On behalf of the committee, I wish to say thank you, but I think we're going to have to move on.

MR. BENOIT: Thank you.

MR. DEPUTY CHAIRMAN: Members of the committee, the Chair will now be imposing some time restraints.

The committee would ask Art Rundell, please.

Good evening, Arthur. It's nice to have you with us.

MR. RUNDELL: Good evening.

MR. DEPUTY CHAIRMAN: As I pointed out, the Chair has been pretty lax so far today because we haven't . . . Now we've got four people. Bearing that in mind, the Chair would ask you to proceed as expeditiously as possible.

MR. RUNDELL: Thank you. Some other constitutional questions that come to my mind to be looked at at this time would be the constitutional validity of the GST. I understand the Alberta government is fighting this in the Supreme Court of Canada. Also the validity of the Income Tax Act as unconstitutional under the BNA Act, and the unconstitutionality of the Bank of Canada Act. I'm of the opinion that these constitutional task forces are just a dog and pony show whipped up by politicians and media to circumvent the real issues that confront this country and the people. This will lead to a federal election where the main election issue will be national unity, and a lot of this other corruption that goes on day in and day out will be overlooked and pushed aside. I think this issue of the national debt and the unconstitutional Bank of Canada Act should be looked at, and the debt should be repudiated in this country.

I wasn't prepared to come here today; I came on very short notice. So that's about all I can say just at the moment.

MR. DEPUTY CHAIRMAN: Thank you very much.

Mr. Day.

MR. DAY: Art, thanks, and again you're prepared because you've been thinking about these things obviously. So I appreciate that.

We can't take a lot of time. Repudiating the debt: that's a major concern as far as I'm concerned; also, you're probably aware it's been a bothersome issue for the Alberta government. In terms of provincial debt we've made a commitment to get it retired as we have made a commitment to retire the deficit. What can you offer in a constitutional way: your advice in terms of repudiating the federal debt? What advice could we pass on to our federal counterparts on that issue?

MR. RUNDELL: I think that the Bank of Canada Act gives the chartered banks the right to create money and debt with the stroke of a pen and demand the interest to be paid out of nothing, that this whole thing is unconstitutional, and that these powers should be taken back in the hands of the federal government and taken away from private corporations. I'm not against private lending; I'm against private corporations having the, you know, so-called backing of the federal government to create new money with the stroke of a pen through the reserve lending ratios and fractional reserve banking.

MR. DAY: I can appreciate that, thanks.

MR. McINNIS: A quick question. When both of you talk about repudiating the debt, you mean repaying the debt, don't you, not "repudiating" as like you don't acknowledge it and say, "I'm not going to pay it"? Is that what you mean, paying it off?

MR. RUNDELL: Definitely not.

MR. McINNIS: No. You mean not acknowledging it; just saying it's not ours to pay?

MR. RUNDELL: The bankers can only be repaid the debt, the principal that was lent out. They cannot repay the interest that was demanded on that debt. The money doesn't exist on the face of the earth, and as the compound interest and the time clocks keep running the debt piles up, and there's no . . . It's an impossibility to pay this debt. It's a scam.

MR. McINNIS: That's what you mean too?

MR. DAY: In terms of my concerns with the Bank Act and the ability to lend money when you only have a small amount on deposit, those are the things I have concern with. We probably would have differences as far as viewing the repudiating of the debt. Retiring the debt for sure. There's some elements of repudiation we could probably discuss further, but I agree with Art in terms of the Bank Act's ability to lend out money when only a small amount is on reserve.

MR. McINNIS: I just wondered if it would work with my car loan, that's all.

MR. DEPUTY CHAIRMAN: Well, thank you very much, Art.

MR. RUNDELL: Thank you for letting me . . .

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter will be Chad Rudiak.

Greetings. Welcome to our table.

MR. RUDIAK: Good evening to the committee members. I would just like to make eight brief points on my own personal opinion as to what should be included in the Constitution of Canada.

Firstly, I would like for there to be settled all existing land claims and for that to be really fast-tracked, so that in a new Constitution everybody could bargain on an equal basis.

Second, as we talk about special consideration for Canadians and special status, I would like to see special consideration for all Canadians in the form of land reform. I would like to see that only Canadians should be allowed to own Canadian soil, that if you wish to purchase something, it should be an asset that you're a Canadian, a requisite, in fact.

Thirdly, I'd like to see universal health care continued to be guaranteed to all Canadians.

Also, I'd like to see an equal, elected Senate and one Senator for each province or territory so as to guarantee equal representation even of the less populated areas of Canada. Even though they have not so many people, the amount of resources that are contained within that usually vast territory – in other words, they're defeated in the democracy and getting the short end of the stick.

9:30

It should also be regulated or codified, in my opinion, that each elected Member of Parliament should cast his vote in Parliament as to the opinion of his constituency and its individual members, and not just tout party line and have decisions just pushed through Parliament.

Furthermore, I would like to see a mechanism in place within our Constitution whereby if an elected government does not abide by its election promises to the Canadian people, they'd be removed from power and replaced with a new government in a set period of time. That would just make all these election promises that the governments put in but never really go through with, as the Polar 8 icebreaker – things likes that and other things which people cast their votes expecting and actually depending on that are never, never done by the government.

Furthermore, I'd like to see multiculturalism done away with. I feel that it creates too much friction within the individual groups within Canada. I would like to see a culture maintained within the individual culture groups, and the government should not restrict that. If a certain element of our society wishes to keep its culture, that's fine, but I don't think we should be sponsoring it on a federal basis.

Lastly, I would like to abolish the recognition of the British monarchy as a power that has any influence on Canadian political matters – so Brian Mulroney can't ask the Crown or whatever to add more members to the Senate so as to pass something or anything like that – as it's just largely a figurehead.

That is all.

MR. DEPUTY CHAIRMAN: Thank you.

John.

MR. McINNIS: Just a quick one, Chad. What about the position of aboriginal people with the abolition of the monarchy? We heard about how the treaties are in effect with the British Crown, with the dominion government of the day having acted as an agent for the Crown, and many aboriginal people trace their rights in Canada to the Royal Proclamation of 1763. How do you think that would affect aboriginal people, if we withdrew the Crown?

I certainly agree with you about packing the Senate, but I'm not sure Her Majesty can take the blame for that in any real sense.

MR. RUDIAK: No. Concerning that, I believe that they should be settled and new agreements drawn up. If the aboriginal peoples decide that they wish to be autonomous, then they should be given their own country within Canada, a new country to be created, much like a small section of a province being given its own status, such as Luxembourg or whatever.

MR. McINNIS: I personally think there's some problems with that because aboriginal people are spread all across the country.

A supplementary, if I may. What would you replace the Crown with as the head of state? Would you like to see an elected president or some other such model? You know what I mean by the . . .

MR. RUDIAK: I don't think a figurehead is necessary. We can keep it, if you'd like, as a figurehead on our money. In the structure of our political system I think the main ruling power is embodied in the Prime Minister. So I don't see how the Queen and the Prime Minister should be affiliated in any way when the Queen is just largely a figurehead.

MR. McINNIS: Thank you.

MR. DAY: Just one quick one?

MR. DEPUTY CHAIRMAN: Yes. We must be . . . We've got three more to go before 10 o'clock.

MR. DAY: Chad, on the triple E Senate, it's no secret that our government is a major proponent of that, so I don't have difficulty with your support for it. I'm just wondering if you had a special reason for why one Senator per province.

MR. RUDIAK: Just so things can be done a lot quicker, like votes can be taken. I suppose the actual number of – well, just as long as it's equal. If everyone wishes to have two, then we'll have two, but one seems to be fine. Also, I'd like to not have a lifelong term in the Senate. They should be elected, as any other member, with a term.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much.

The next person who registered who wished to present is Bob Cameron, and we will go in the order of registration.

MR. CAMERON: I put this together as quickly as I could sitting there listening, having seen it on TV at home.

MR. DEPUTY CHAIRMAN: I find that ABC channel 10 is so effective.

MR. CAMERON: Yeah, but I asked that maybe they could turn it off while I was on, because I'm not quite prepared.

MR. DEPUTY CHAIRMAN: I think we owe a debt of gratitude to channel 10.

MR. CAMERON: I just wanted to make a few points and mention them to the committee. My personal point of view is that I like the way Canada stands, with all its provinces and territories, especially including Quebec. As well, I have lived in both Alberta and Ontario but personally have not really lived anywhere else.

I believe very strongly in a central government, and a very strong central government, for Canada, the biggest reason being to avoid duplications of services, because I do believe there would be a huge duplication of services by all provinces and the territories without a strong government.

I think Canadians as a whole, including myself, have to realize the unique status of Canada as a country. We're a very large country with a very small population. I don't know what all the numbers are because I'm not totally prepared, but it's a very ribbon-style population base, which is very unique for most other countries. There's only a few in the world that even come close to us. I think it's important that all Canadians have a general understanding of this unique situation, and I think perhaps more education on that issue might help. I'm not saying I'm the only one who knows about it – lots of people do – but I don't know if people think about it is what I'm saying. Some of the things – yes, we are a multilingual nation: English, French, and many other languages. As I mentioned, we are a ribbon-style country in terms of the population base along the border between us and the United States. That really reflects on the transportation networks, on everything in Canada. I did mention that we're a very large country with a small population base as well.

I think a key issue for Canada which I heard discussed earlier is that you need minimum standards for health, education, transportation, and defence. Along with health comes water, so that you can travel anywhere in Canada, you can drink water in Quebec, Ontario, Alberta, Saskatchewan, New Brunswick, or anywhere, and you don't have to worry about getting sick or anything. I think that's a very good thing about Canada. That's just one of the many things, and it leads to a certain standard of living that I think most Canadians have come to expect. The more people travel, the more they realize that this isn't everywhere and that we're in a very privileged position, and we sometimes take advantage of that.

I think it's important that we as Canadians realize about the economies of scale: 26 million people spread over this huge country. There's great advantages to having a strong central government looking after environmental issues. Not every province is ever going to agree on the way they all should be dealt with, but if we all deal with them with our own departments, it's going to be about 10 times the cost. No matter that people would think otherwise, I personally believe that it's certainly significantly more. Small companies can be profitable; big companies can be profitable too. The bigger ones can often be more stable, but not always.

I think it's difficult to maintain standards if there is a decentralized government. There's great difficulties when it comes to welfare and UIC, especially if provinces don't have similar standards, because you can have fluctuations in populations moving to different provinces, whoever's got the best deal.

The next biggest one that's going to come up is day care, and if different provinces deal with it differently, I don't know how you would come up with a budget for it. If you were going to offer day care to your employees or workers or whatever that other provinces didn't have, you'd have a lot of people knocking on your door to come into your province, so I think it's very important to have standards in that regard that go across Canada.

The one other thing I do have down here is that the population is not equally spread throughout the provinces and the territories, and that causes some of the problems, but democracy means that each vote is really worth the same amount. It shouldn't be dependent on whether Ontario has 9 million people, or whatever the exact number is, and Alberta has 3 million. A Canadian is a Canadian whichever province they live in. If more live in one province and they have more votes, there's some point to that in terms of each Canadian having paid taxes as well. I'm generalizing a bit here. I think that's an important thing to realize about democracy, that one person's vote can't be worth three votes because they live in a different province or territory. But that doesn't mean there don't have to be some controls to protect that people do not get overridden by the larger provinces, so to speak, or, with the haves and the have-nots, that the haves get stolen from by the have-nots. I shouldn't use those words because they're real clichés. But just to keep it brief and generalized, definitely controls are required.

9:40

I do think there's a great need for cross-province and territory crossings in the sense of trucking, professionals being able to switch provinces. Why does each province have a licensing agency for engineers? Isn't that more bureaucracy and more money? Some of the engineers are self-governing bodies and that sort of thing, but there are other things, like licences for trucks. Why do you need a different one when we're all Canadians? Yes, the transportation routes are – you're paying somewhat of a tax to drive on people's roads. I realize that, but to some extent I think the more you duplicate these things within the province and within the Canadian government . . . I mean, we have a large deficit, and the more we do of that, the more we bankrupt ourselves, Canada and the provinces. With a strong central government that is listening to provincial input and taking provincial input seriously, I think they can be very effective.

Everybody will always feel cheated because nobody will get what they want, but that's part of life. I don't get everything I want, and that's the way it is. I don't ever expect to, and I have a lot of control over what I'm doing. It's a matter of making decisions. You have X amount of money to deal with, and if you want an expensive home and that's a priority, you can buy it. It might mean you can't have a Jag, but you can have your expensive home, and that's your priority. Maybe that's a bad example. Maybe I should use a different one, but I'm just trying to get a point across, that we as Canadians make priorities and the government and the provinces make priorities, and as Canadians we have to accept some of this. I don't say roll over and die, but we have to accept it.

I personally believe that another part of the understanding is the economies, the scales, the size of our country the way it is. I think there is a need to regard services in other languages where numbers warrant. I definitely think it's worth while. I do have a problem with providing services where the numbers don't warrant, but only from the cost point of view. I'm certainly not against it otherwise, and I think there are things that can be done to help address the problem in a less full-blown way even where the numbers don't warrant. There's got to be another way as opposed to them having to have a separate school where the numbers don't warrant. Couldn't a separate classroom within a similar school . . . We have to make some compromises so that we don't bankrupt the government, the municipalities, the provincial government. There are a lot of people involved here.

I guess my fourth point here is Bill 101. I believe that's the language law Bill in Quebec, and it's not something I would jump up and down for joy about. Certainly I didn't like it when it came out that we had English and French signs – I was in Ontario at the time – but they only wanted French signs. That didn't seem fair; it didn't seem part of bilingualism. At the same time, I had just traveled in Europe. I didn't have any problem getting around there, and most of the signs were in languages I'd never seen before. I did manage. I have been to Quebec and Montreal, and I had absolutely no problem when I traveled in Montreal. The people were marvelous, and I speak French so poorly that they all were ready to speak English just so they wouldn't hear their language destroyed, I think. They were all very polite to me. I enjoyed myself there, and I had no problems getting around at all.

I guess the fifth point is that I am not a big supporter of the triple E Senate. I won't lay out what it is. I think there has to be some control of the smaller provinces versus the larger provinces, but I still have problems with democracy, as each person has a vote. That doesn't mean each province or each territory; it means each person. However, because we are a confederation of different provinces, there has to be respect for the different provinces, and there has to be some mechanism for it. I don't know what the mechanism should be personally, but

I do have trouble with equal votes when there are not equal numbers: if I lived in a different province, my vote's worth three, whereas if I lived somewhere else, it's worth a third or one, whatever the ratio is.

I'm sorry I'm not better prepared, but those are my thoughts. I guess the other thing is that there are a number of things the federal government spends money on. There's a list of, like, Agriculture; Communications; Consumer and Corporate Affairs; Employment and Immigration; Energy, Mines and Resources; Environment; Fisheries and Oceans; External Affairs; Finance; Indian Affairs and Northern Development. Really, if you thought about each province dealing with each one of these things separately . . . I'm not saying they don't have to have representatives, but there's a difference between a whole office, a whole building of people looking after these financially and economically for the foundation of Canada and the provinces themselves, or dealing with this in a more co-operative effort. Justice, the Solicitor General, National Defence, Labour, National Health and Welfare, all the individual parliaments, Public Works – of which there's also municipal – regional industrial expansion, Secretary of State, science and technology, administration and taxation, Transport, the Treasury Board, Veterans Affairs: these are just some key headings. Each one of them has many, many subheadings. It's incomprehensible to me to decentralize and have every province look after that. That's part of being Canada.

We're 26 million people trying to make a go of it in the world on the world scale, and we are and we can because we're smart people. I think playing with that is not, in my opinion, to the advantage of Canadians: Albertans, Ontarians, Quebeckers. That's my personal opinion, though, and that's really all I have to say.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Just really briefly, Bob. Thank you for your presentation. It was very good, regardless of the time. You mentioned you want minimum standards for health, education, environment; you mentioned some social programs. If I understand you precisely and so there's no mistake, you would like those to be established by the federal government?

MR. CAMERON: Yes. I'm a strong supporter of minimum standards set by a governing body that are equal across Canada, so that when you travel you shouldn't notice a border when you travel from one . . . I mean, we're all Canadians. Maybe that's a little idealistic. There are going to be some differences. However, I think it's important.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Very briefly, would you support constitutional entrenchment of environmental protection?

MR. CAMERON: Well, the automatic answer is yes, but I want to think about it for two seconds.

I think environmental protection is very important. As to whether it should be in the Constitution, I don't know if that's the right place for it. To me it's very important.

MR. CHIVERS: A high priority.

MR. CAMERON: It's a high priority, but I don't know if the Constitution is the right place. I haven't thought about it enough.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Thank you. Sorry to move on, but we still have two to try to complete by 10 o'clock. Thank you very much, Bob.

MR. CAMERON: Well, thanks for hearing me.

MR. DEPUTY CHAIRMAN: Allan Campbell, please. Allan, you can take that one away and put yours down so there'll be no confusion.

MR. CAMPBELL: Everybody knows who I am.

MR. DEPUTY CHAIRMAN: Welcome.

MR. CAMPBELL: I've got a concern for adopted children who can't find out who they are, and with everybody else screaming and hollering for all their rights and privileges, I don't see why they shouldn't have the right to find out who they are and not be lied to by anybody. There are a lot of messed up kids, and there are hundreds of thousands more getting messed up. I see them every day in group homes, on the street, and everyplace. These kids are messed up, and there are studies that have been done that know how many of them are in alcoholic situations, drug situations, jail situations. The circle goes on, and I know from experience.

That should be in the Constitution. I don't see any reason why it isn't. Here again, universality from one province to the next: you can find out in one province, and you can't in the other. Alberta, I think, is the worst province in Canada from what the organizers say. It's a brick wall. You're insulted when you go and try to find out and are told that you're ungrateful and a lot of other things, along with being messed up.

9:50

If Quebec is allowed to opt out of Canada through a vote, in 50 years, 20 years do the Asian people take western Canada and join China? I think this is something we should really be thinking about. We have our Prime Minister over there encouraging a lot of these people coming over. I've got no complaints about it, but I'm looking down the road. Do we have a vote and say, "Well, we'll take B.C. and what's left of Alberta"? What happens to the native people in Quebec?

As far as I'm concerned, any English Canadian who tells French Canadians that they can take Quebec and go should be shot for treason, and then we'll have a trial after. And the same thing for . . . I feel strongly about this country. My adopted parents, both their families fought, and most of them never came back. The ones that did came back with brain damage. I feel very strongly that people are playing around with the country of Canada for a few whimsical political gains. That's all it is.

Deficit spending has to be outlawed, no ifs, ands, or buts about it. I have to control my spending in my house so that I have enough to make things go around so I'm not putting my kids in debt. The country has to take the responsibility to do the same and quit the party pork-barreling at election time.

The competition in Canada. There are people who are running legitimate businesses, struggling day by day. They hire 10 people. Two of these people don't like their boss, so they go to the government, get a government grant, start up alongside another shop, cut this guy's throat, and the end result is that neither one of them makes money, and the guy who had a legitimate business ends up going broke. We've experienced lots of this in Alberta. Maybe we could start teaching people in school about investments. I think most of us Canadians don't know how to invest, and we're being shafted left, right, and centre. We have a body that a government runs and every time you go there – well, they don't cover that.

MR. DEPUTY CHAIRMAN: Just a second. Dennis, were you . . .

MR. ANDERSON: No.

MR. DEPUTY CHAIRMAN: John, were you . . . Well, thank you very much for coming, Allan.

Our last presenter that the Chair has notice of is Jan Loimand. Good evening. Welcome.

MR. LOIMAND: Good evening.

MR. DEPUTY CHAIRMAN: Sorry to be sort of rushed right now.

MR. LOIMAND: Oh, that's okay. I haven't got that much to say. I'd just like to say that Mr. Bob Cameron echoed most of my feelings.

Quite frankly, I have a message for the politicians here. I think the biggest problem in this country is that we have too many of you. I see no reason why we have to have the levels of jurisdiction we have. We only have 26 million people. We have an economy that is smaller than the state of California. Alberta has a population smaller than the city of Toronto. Yet we have to have 10 Premiers, 10 cabinets, 10 sets of legislation, which for all intents and purposes are identical or should serve the same need. We don't need this many politicians. We don't need this much government.

What maybe we should look at – everybody is talking about holding together or repairing what we have now. Maybe it's time to redesign this country. Maybe we shouldn't have provinces and territories. All Canadians should be equal whether they live in a province or a territory. Politicians do this country a great disservice because everybody tends to fight. The municipal politicians blame the province because the province won't give them the money. Why don't the municipal politicians tell the province, "You should raise taxes"? Why don't the provincial politicians turn around and say to the federal government, "You have to raise taxes so you can give us more money, because if we raise taxes, then we have to suffer the consequences"?

Basically, the provinces as they now exist are an anachronism. There was a time when this country, because of its size, had to have decisions made locally. In the current age of technology with communications and faxes and God knows what else, there is no need that all decisions have to be made at a local level. We have to design this country and differentiate between policy and administration. There's no reason I cannot have a Canadian driver's licence, a Canadian health insurance card, a Canadian licence plate. For the sake of sentimentality there's no reason why we can't retain an Alberta licence plate.

I notice these pins you were handing out. We're talking about saving Canada, and you're giving out Alberta pins. You have a pin out there with the Canadian flag, and showing an immense, I guess, lack of sense of protocol, you put Alberta on top and Canada underneath. That to me is the same as having a flagpole and having the Alberta flag on top and the Canadian flag on the bottom, and that is just simply not done.

Maybe what the politicians have to do is stop fighting and decide what you can do to save this country; that is, maybe whether some people say whether the monarchy should continue or we could go to an elected president and maybe a Senate and a Commons and the provinces can become administrative regions where all Canadians have the same rights. Then we don't have to worry about when I cross a border what the speed limit is. All Canadians should pay the same taxes and health care should be universal. Some provinces pay for it out of their sales tax. In Alberta we have lower income tax, but we pay Alberta health care. Maybe we should have . . . We can be the same, but we can also be different. By saying we can be the same, we can all be treated the same.

Remember the government is here to serve the people; we are not here to serve you. At some point in time the government is going to have to meet the needs of the people because the history of governments which have failed to meet the needs of the people is not very good. I realize it's a tough question asking all the Premiers to resign and turn the Legislatures into museums, but it just might be what would save the country.

What I'd just like to add here is that, as you're probably aware, in the maritimes now they are talking about maritime union again. Over 15 years ago they were discussing maritime union. We had a very late night at a press club in Fredericton. They were discussing this thing with the late Richard Hatfield. One of the reporters present posed a very interesting question. If you unify these three provinces, which two-thirds of you politicians are going to resign? Because we won't need you. Quite frankly, I think we no longer need 10 provincial Legislatures, because I don't see why, in Alberta's legislation, in all the areas that are provincial jurisdictions right now, that you need 10 separate sets of rules.

You know, you can't resolve native rights because either it's a federal jurisdiction or it's a provincial jurisdiction, and so the battle goes on. We can't have uniform closing hours in this country, because it's a mess of jurisdictions. I mean, a municipality passes a bylaw, and the next thing you know business is building outside the municipality boundaries. We need a level playing field for everybody.

As the other gentleman said, there was a case years ago back east where an industry wished to locate on the Restigouche River between Quebec and New Brunswick. The pulp mill was eventually placed on the side of the river of the province which gave them the biggest amount of money or the slackest environmental laws. Now, as far as I'm concerned, if I'm getting my water out of the Restigouche River and somebody is dumping effluent into it, I don't really care whether that effluent is coming from Quebec or New Brunswick. I use that example because there you have a river which is a boundary between two provinces. The rules for the location of that mill should be the same on either side of the river.

Basically, that's all I have to say. I guess I'm fed up with the number of politicians in this country and as long as you . . . You know, whenever I hear about disunity in the country, it's politicians that are proclaiming how they can't get along. I don't hear Canadians not getting along, but I do hear politicians not getting along. I'm really getting tired of Premiers that would rather be heads of their own states. Well, that's not the way it is. The provinces are not states in their own rights. They are basically provinces, and maybe they should revert to being administrative areas and different colours on the map.

MR. DEPUTY CHAIRMAN: Sheldon, you'll wind things up for us? It's almost 10 o'clock.

MR. CHUMIR: Do I take it, Mr. Loimand, that you would be saying, in other words, that you would like to see things like our health programs, social programs, education, environment standards set by the federal government?

10:00

MR. LOIMAND: Standards set by the federal government, and they can be administrated at the local level, naturally, like the way you'd run any corporation. You have a head office, and then you have standards and the divisions that steward those standards. You know, maybe we should try running this country like a business. Why should a child in grade 12 in Alberta, when it comes to straight core curriculum, be studying something that is very different from a child in New Brunswick? Because the fact of the matter is that we are moving into an era where people are going to have to be more mobile. I don't know if any of the provinces are doing a really great job on graduating functionally literate people. Like, I mean anybody now can graduate from high school, and it's become a right to graduate from high school. That's only the beginning. Graduation from high school is not a right; it's something which has to be earned. But if you lower the standards so everybody can, then you no longer have a meaningful benchmark.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. LOIMOND: Thank you for your time.

MR. DEPUTY CHAIRMAN: Thank you.

On behalf of the committee the Chair would like to express its appreciation to everyone who made presentations here today and to the audience who attended, which was augmented vastly by ABC channel 10, for which we are all deeply appreciative.

The audience is somewhat different this evening than it was this afternoon when we started, and the Chair neglected to introduce the members of the committee, so in closing we'll quickly do that. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora. On her right is Stockwell Day, the MLA for Red Deer-North. I'm going to skip the next one because I'm winding up with him. The smiling fellow with the beard is Sheldon Chumir, the MLA for Calgary-Buffalo. The also equally smiling fellow with a different-coloured beard is John McInnis, the MLA for Edmonton-Jasper Place. Across from him is the newest member of the Alberta Legislature, the MLA for Edmonton-Strathcona, Barrie Chivers. Next to him is the MLA for Lesser Slave Lake, Pearl Calahasen. On my left is the Hon. Dennis Anderson, the MLA for Calgary-Currie, and my name is Stan Schumacher, and I represent the constituency of Drumheller.

We've all been the happy guests today of the Hon. Norm Weiss, the MLA for Fort McMurray, who would like to say a few closing words.

MR. WEISS: Well, thank you very much, Mr. Chairman, but most of all, thank you all for coming and, more importantly, for listening. The briefs varied from the a.m. to the p.m. Some were very succinct, one-issue briefs; others were very broad and emotional and truly emphasizing one point, I believe, in all, and that was caring for the country we live in. I'd like to echo your comments, Mr. Chairman, and thank all those who came, not only those who presented the briefs but those who sat and listened and particularly to ABC's viewing audience as well.

To those who are not aware, my role here as a host was to be an observer and not a participant. You within the community have an opportunity to echo your concerns to me on an ongoing basis, and I welcome that and solicit it, but I was not here to be intervening in any way with the briefs or the presenters. I could say it in another way: you're stuck with me, I guess, for the time being, until maybe an election changes things. The objective was to get the committee here, which I think has been accomplished, and I think it's going to be awfully tough for them in their deliberations.

I would like to invite them back to the community on another occasion. There's an old saying that we have that if you drink the water from the Athabasca and taste it, you'll always come back. I would say that to some of our people who are concerned environmentally. That's before Al-Pac and after Al-Pac, that you'll be able to drink and enjoy the water.

But I wish you well, as I say, in your deliberations. Thank you very much for coming. Please come back again and enjoy our hospitality.

MR. DEPUTY CHAIRMAN: Thank you very much.

[The committee adjourned at 10:04 p.m.]

1:04 p.m. Tuesday, May 28, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: If the committee would come to order, we should get started. I want to welcome everybody who has attended this afternoon and who will be presenting to us. The committee would also like to express its appreciation to Northern Cablevision, who are taping the proceedings for broadcast at a later date. I think it's a very important function of the media to help educate Albertans as to the process that is being followed here.

As you know, this is a meeting of the Alberta Legislature's Select Special Committee on Constitutional Reform, and it's to help the Legislature come to a conclusion or a policy or a position that can be used to best represent Alberta's interest in the restructuring or renewal of our country as a result of the constitutional discussions that are presently under way.

The agenda for today is very, very full. We do not have any spare time, and in an effort to give everybody the same opportunity of making their points, there's really nothing we can do except try to adhere rigorously to a 15-minute time allowance for each presenter. If the presenter uses 15 minutes to make his or her presentation, there really will be no time left for questioning by members of the committee if we are to keep to our schedule. The Chair would ask both members of the committee and the presenters to try to help everybody be heard in this visit to Grande Prairie.

As you may or may not know, this committee is half of the full committee. The other half is, I believe, in Lethbridge today. We will be going to Hinton tomorrow. We were in Fort McMurray yesterday. We will be in Red Deer Thursday and in Edmonton Friday and Saturday. Following this week of hearings we'll be meeting to decide whether there is a need for holding further hearings later in the summer.

The members with us are, on my right, the Hon. Nancy Betkowski, who is the MLA for Edmonton-Glenora. I'm going to miss the next gentleman. The fellow in the white shirt is Stockwell Day, the MLA for Red Deer-North, and beside him is Sheldon Chumir, the MLA for Calgary-Buffalo. Then is John McInnis, the MLA for Edmonton-Jasper Place, and across from John is the newest member of our Legislature, Mr. Barrie Chivers, the MLA for Edmonton-Strathcona. Beside him is Pearl Calahasen, the MLA for Lesser Slave Lake. Then we have a guest, Mr. Walter Paszkowski, the MLA for Smoky River. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the constituency of Drumheller.

At this time I'd like to ask Dr. Bob Elliott, the MLA for Grande Prairie, for a comment or two.

DR. ELLIOTT: Well, thank you very much, Mr. Chairman, members of the panel, and ladies and gentlemen. It is my privilege as the MLA for this constituency to say welcome to both the panel and to all of you who have come to present your position on this very important topic. In the interest of time that's all I'm going to say, just a warm welcome, and make good use of a very important afternoon.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Dr. Elliott.

The first presenter is Thomas Neary. Welcome to our committee, Mr. Neary.

MR. NEARY: Thank you, Mr. Chairman. I would like to preface my remarks by saying that I am very disappointed that this committee chose not to hold hearings in Peace River. You have an explanation, I hope.

MR. DEPUTY CHAIRMAN: Mr. Neary, as I mentioned, on June 6, after holding this week's hearings, the committee is going to meet to see what it believes the needs are going to be for further hearings. We could well have caused you an unnecessary trip, because we could well be coming to Peace River later in the summer. Then again, we might go to High Level instead.

MR. NEARY: I hope not, sir. In any event, I know your chairman was saying that he's looking forward to hearing from all Albertans, and I believe him, but he must realize that all Albertans do not live in 10 centres in this province. Thank you very much.

MR. DEPUTY CHAIRMAN: A good point. That's a very good point, Mr. Neary, and I certainly agree with you.

MR. NEARY: It has become painfully obvious over the past few years that executive federalism is not working for Canadians. That should not be a surprise to anyone, because this Constitution of 1982 and the Meech Lake accord were conceived in secrecy by a select number of elite politicians and bureaucrats in Ottawa and elsewhere. That gave birth to a fatally flawed document without any input from those for whom any Constitution is written: the people. In the early 1980s Third World countries like the Philippines were also looking at improving their Constitutions, and, sad to say, they were more democratic than Canada for they involved their people in that process, unlike Canada, and therein lies the reason for the failure of the Constitution. Any Constitution, any law must spring from the collective will of the people to be accepted by a great majority of the people. Otherwise, chaos will result.

Laws that are perceived to be unfair, unjust, and are opposed by the large segment of the population should not be imposed on a democratic society, and any government that tries to do so should be removed from office. There should be a mechanism for that. The Meech Lake fiasco last year is a case in point. The vast majority of Canadians were opposed to this Machiavellian scheme, and at least nine governments in Canada were prepared to accept it. In a truly democratic society these nine governments would be dismissed from power. That was the one time when I first personally felt great embarrassment to be a Canadian: to watch the pressure to conform, the mental anguish of those few who could not in good conscience go along with the pack, to watch the manipulation and the wearing down process hour after hour, and finally the rolling of the dice. The secrecy of it all obviously brought out the worst in human nature, whereas if the whole process were in the public arena, these politicians would have to be more civilized.

The few who resisted – too few, I might add – are the heros of this disgusting period in Canadian history. They will be remembered for devotion to principle, not politics; to courage, not caving in; to excellence, not expediency; to right, not wrong. These few will be remembered and our great-grandchildren will be grateful that they do not have to live in a two-tiered society: one tier in Quebec with special privileges and status, and the second in the rest of Canada. That now is behind us, and I hope we can move on from here.

The Constitution must protect everyone from the moment of conception to natural birth to natural death, for if it does not protect the right to life, that most basic right, then it cannot claim to protect any other rights. Other rights become meaningless, for all rights come from life itself, not from governments. This is the first and basic right.

Property rights must be enshrined in the Constitution. This is the second basic right in a free and democratic society and cannot be omitted for any reason and certainly not because a few politicians do not approve of these rights being included, as they did in 1982.

1:14

We must control spending. The people must decide and control the amount of money governments spend. That power to spend and tax must be removed from governments, for it has been said, and I believe it to be true, that the power to tax is the power to destroy. The vast majority of the people of this country control their own individual spending, but when it comes to governments, there is no limit. This must be changed before the country's economy is devastated, and that day is fast approaching.

The only sure way to make politicians responsible in monetary matters is to enshrine the principle of a balanced budget in the Constitution, and the failure by government to accomplish this requirement two years in succession would result in the resignation of that government and new elections. There would be one exception to this, I would submit; that is, in the event of a war a national debt would be permitted.

Any proposed increase in taxes would be approved only by the people in a referendum.

The national debt, which is now approaching $400 billion and should be of great concern to all Canadians because of our increasing inability to pay that debt, must be reduced and eliminated within, I say, 25 years. The important thing here is to set a time frame in which the debt must be paid. A national campaign involving every Canadian should be launched to systematically and gradually reduce and eventually eliminate the national debt. I agree with Prof. Robert Mansell of the University of Calgary when he says that the national debt is a threat to national unity: the greater the debt, the greater the incentive for the province to split and skip out on its share. That's a consideration in Quebec, he says.

I say Canada is overgoverned. We are being stifled by governments, especially by Ottawa. The solution, in my view, is downsizing dramatically the duplication of government departments. The federal government's role in Confederation must be severely restricted to such areas as national defence, the national currency, external affairs, and such areas.

The Senate must be reformed. If it is not reformed within the next five years, we will be living in a balkanized Canada. The triple E Senate is the only model the people of western Canada will accept. Anything less than a triple E Senate will result, in my opinion, in the separation of the four western provinces. The present composition of the Senate is a 19th century anomaly and does not reflect the reality of the day, and that reality is 10 equal partners in Confederation.

Anything that does not reflect that reality must be removed, and that includes all special agreements made between Ottawa and Quebec that have not been made with other provinces. The principle of equality of provinces was recognized in the British North America Act of 1867 and more recently, believe it or not, in the failed Meech Lake accord. But the problem is that provinces are not equal in fact. The composition of the Senate is not consistent with equality of provinces, and that must be corrected.

The concept of two nations is ludicrous and should be eradicated from our legislation, literature, and language as it is an insult to our aboriginal peoples and reduces millions of Canadians not of English or French extraction to second-class citizens. To subscribe to such a view in 1867 was to subscribe to the view that the first peoples of Canada, the natives, did not count. The fact is that Canada is a multiracial country, and this fact must be reflected in our Constitution. It must include all nationalities: the Ukrainians, Germans, Dutch, even the Irish, Chinese, and all the other races that make up this Canadian mosaic. All races of people must be equal before the law and treated equally under the law, and all new Canadians should be encouraged to become Canadians, not hyphenated Canadians.

That implies that the multiculturalism Act must be scraped. This is an instrument of division pitting race against race, religion against religion, and generally causing disunity in the country because the basis on which the Act is founded is: make the taxpayers pay. It is not right, it is not just, and it is a national disgrace that the millions of people of this country who call themselves Canadians should be forced to contribute to the support of cultures other than their own. If the people involved are not committed to their own culture sufficiently to support that culture themselves, then it does not warrant support by the rest of society. It is divisive. It will result in the collapse of our country as we know it simply because it is divisive. A country that does not support unity is doomed to disunity, just as a house divided against itself shall not endure. Millions of dollars could be saved if this unnecessary piece of legislation is rescinded and the proposed department canceled. The Economic Council of Canada said recently that many Canadians feel that multiculturalism demands too much adjustment by Canadians and too little by immigrants and that immigrants should take more responsibility for fitting into the Canadian society. That sums it up, Mr. Chairman, in my opinion.

Official bilingualism is an expensive and unnecessary endeavour which was forced on Canadians by Prime Minister Trudeau despite the fact that neither Quebec nor English-speaking Canada wanted it then and want it less today. This dismal and costly failure was forced on Canada by a desperate Prime Minister to quell the separatist movement in Quebec, and as we have seen, that has failed miserably in Quebec, and it has alienated the rest of Canada. These two Acts, multiculturalism and bilingualism, must be reviewed in light of the undesirable results they have achieved.

The Supreme Court is another creature of 1867 that does not reflect the reality of today and must be reformed. It is a contradiction, an injustice, and an insult to millions of Canadians. Two-thirds of that instrument of justice are six justices representing two provinces, Quebec and Ontario, and three justices represent the other eight provinces and two territories. Some justice. The obvious solution to this unacceptable arrangement is to amend the Constitution so that every province is represented on the Supreme Court. Perhaps then the Supreme Court will be seen as a national Supreme Court and not a centralist court. I would go further. I would suggest that the appointment of Supreme Court justices must be ratified by the Senate. If that is not acceptable to the anti-American element in this country, then they should be elected, one from every province.

Canadians are more and more coming to the realization that our politicians, by and large, have not served Canadians as much as they have served themselves. This is graphically illustrated in our MPs' pension plan. In a report released in 1988, government auditors stated that as of 1985 the MPs' pension plan was underfunded in the amount of at least $135 million. Today it is much more than that. It is probably the most generous pension plan in the world. After six years of service an MP would collect from the Canadian taxpayers as much as $1,600,000 if he or she is 36 years old now and lives to 75, which is the amount in Murray Dorin's case, as you may well know. Now, in our local MPs' case – Peace River, in any event – after 10 years of service he would receive in total a pension of 2 and a half million dollars.

Apart from the fact that this is legal theft from the taxpayers of this country and must be corrected, there is the problem of allowing politicians to make a lifelong career in politics. This is not in the best interests of the country and must be changed. This applies to the MLAs too, and pardon me for saying that. I propose placing a limit of two terms in succession for members of the Senate, House of Commons, and provincial Legislatures. This provision would allow a member to seek re-election after a one-term absence from the Senate, House of Commons, or provincial Legislature.

1:24

I would also propose that a recall provision be included in the Constitution so that an elected official at any level of government could be removed from office if a sufficient number of electors petitioned to declare a seat vacant. This number should be such to make it difficult but not impossible for an individual or group to organize such a challenge. I would suggest the amount be set at 25 percent of the number of votes received by the incumbent at the last election. This provision would give the constituents a measure of control over their representative and make him or her more accountable to them. It would also reduce the level of party discipline that could be brought to bear on a member by his or her leader.

The essence of democracy is that the people have a direct voice in their everyday affairs, not only when it comes to election time, every four or five years. The Constitution must provide for the use of referenda on any issue, such as capital punishment, taxation, and abortion if the right to life is not included in the Constitution. This is direct democracy, and the time has come to implement this process at the provincial level also. The provincial government should move without delay to provide a mechanism whereby the people could initiate a referendum on any issue, the results of which would be binding on the government. The government should re-enact The Direct Legislation Act of 1913. This does not mean that all the politicians would be unemployed and drawing UIC tomorrow. It would mean that the politicians would carry out the will of the people, which is what democracy is all about. I can hear some say now, "But that is not parliamentary democracy." Well, I say to those that there is nothing democratic about parliamentary democracy. It is, in effect, a dictatorship because our representatives do not represent our views in Ottawa; they represent Ottawa's views to us: witness the GST.

A principle on which our Constitution is based is peace, order, and good government, and this may well be the major flaw in the document. This principle applies to governments and implies that the function of government is to impose those principles on the people. This is known as the top-down form of government, meaning that the elite few at the top know what is best for the people and are prepared to impose their views on the people. That concept is embodied in the phrase "peace, order, and good government." It is collectivist in nature and mainly concerned with power over people and controlling people's lives. This form of government has been under pressure in eastern Europe in the past year, and most have been toppled. Our government in Ottawa only differs in degree from those of eastern Europe; witness the Meech Lake accord and GST again. This form of government must be changed. It should not be too surprising to any Canadian that we are beginning to realize that we were sold a bill of goods when the collectivists of the Trudeau era imposed that form of government on Canada.

The other form of government is known as the bottom-up system of government, which protects the individual from the power of the state. It originated with the signing of the Magna Carta and developed over the centuries to a system of checks and balances, which is found in the American Constitution. It is based on the rule of law, applying the law equally to all with no exceptions. It is based on freedom of the individual, where striving for betterment is encouraged. This is also our legacy and the reason why millions of people came to this land: to better themselves, to be free, to own land, to own businesses, to prosper, to fail and to try again. For a full treatment of these two concepts of government, I would suggest that the members of this task force read *The Trouble With Canada* by William Gairdner, published by Stoddard Publishing of Toronto in 1990.

My suggestion for the basic principle, therefore, of our Constitution is life, liberty, and the pursuit of excellence. The taxation of families must be equitable and must encourage families to stay together. If it encourages divorce, separation, or common-law relationships, it must be changed. Such destruction of the family, the basic unit of our society, is not acceptable, and eventually the country as a whole suffers. A stable country is based on a stable family, and the disintegration of the country begins with the disintegration of the family, and God knows we have seen too much of that in the last 10 years or so. I suspect our taxation of families has contributed to this. This problem must be given the highest priority.

There is a basic contradiction in this land, and it is manifest in the way the two so-called founding nations view the way in which they choose to be governed. One is basically collectivist; the other, individualist. That problem is at the root of all our difficulties over the past 123 years. This together with language and religion are sufficient reasons for Quebec to feel the way it does. It will not be the end of the world if Quebec separates from Canada, assuming of course that it has the right to do so, but both solitudes should benefit and prosper from such an arrangement. But it must be the decision of the people of Quebec. Their decision must be respected by everyone concerned. Then what about minorities in Quebec? Will they have the right to separate from Quebec? The decision to separate must also be based on reality and the reality that Canada has a national debt and Quebec owes at least 25 percent of that debt based on their population. Arrangements for repayment of that amount must be a precondition to separation. What about the boundaries extension Acts of 1898 and 1912? Should they be repealed, leaving Quebec with the territory it had at Confederation? Currency is another consideration, among others.

If Quebec by referendum decides to separate from Canada, a national commission representing all provinces must be formed to decide the terms of separation. Canadians will not accept the proposition that a Prime Minister from Quebec and his cabinet, many of whom are from Quebec of course, are in a position – and they are not, I say – to negotiate a fair settlement on behalf of Canada. It would be obvious to all concerned that such a situation would be a clear case of conflict of interest and therefore unacceptable.

Also, Canadians will not accept a situation such as sovereignty association if that means that Quebec would receive monetary or other benefits such as it receives now and, on the other hand, be free to enact and enforce laws consistent with that of an independent state. That would in fact amount to the imposition of the Meech Lake accord to some extent, and that was and is unacceptable. Also, we must remember Quebec has not accepted the 1982 Constitution.

The question, then, is: what kind of country will we inherit? Will the remaining nine provinces and two territories have the will to form a federal state of equal partners in spite of the unequalness of the partners? The answer lies to a large extent, I believe, in Ontario. Ontario may find it more beneficial to form a union with Quebec. If Ontario is not prepared to enter a new federation of equal partners, the four western provinces should start planning for such an eventuality now.

It is unfortunate that the composition of this task force does not more fully represent all Albertans, not just politicians, as many Albertans are skeptical that the points of view expressed by them, if they do not coincide with those of this task force, will not receive acceptance, just as the opposition of 80 percent of Albertans to the position of the provincial government on the Meech Lake accord was ignored. I hope a valuable lesson has been learned by the politicians of this country as a result of that fiasco. That lesson is that the politicians cannot ignore the will of the people in major policy issues. I am encouraged by your chairman's remarks, however, that indeed the people of Alberta will receive a fair hearing by this task force.

1:34

My own preference, if I were asked, would be a constitutional convention which would be comprised of an equal number of elected representatives from each province. Perhaps that could be considered for the final round of negotiations with the other provinces. The amending formula must not place our Constitution in a straitjacket such as that proposed by the Meech Lake accord. It should not favour any province but treat all provinces equally. Therefore, I propose that two-thirds of the provinces, rounded to the closest whole, must ratify by referendum any proposed amendment to the Constitution to become law.

To summarize, Mr. Chairman – and I thank you very much for listening to me at such length – let me repeat my minimum demands for change to our Constitution. One, the Constitution must protect everyone from the moment of conception to natural death. Two, property rights must be enshrined in our Constitution. Three, the principle of a balanced budget must be included in our Constitution. Four, the reform of the Senate is essential, and a triple E model is the only acceptable model. Five, the two-nations concept must be removed from our description of Canada and replaced by a more accurate one that describes Canada today. The Supreme Court must be reformed to represent all provinces equally. The Constitution must provide for a limit of two terms in succession for members of the Senate, House of Commons, and provincial Legislatures. Eight, a recall provision must be included in our Constitution. Nine, the Constitution must provide for the use of referenda. Ten, the amending formula should be such that amendments are possible but difficult to achieve and must be preceded by nationwide public debate – such as that advocated by Prof. Tupper in his remarks to this task force on November 30, 1990 – and approved, of course, by the electorate of two-thirds of the provinces.

Thank you very much, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Neary. Unfortunately, your presentation did take over 27 minutes, and there will be no time for questions.

I should also make it clear that this is not a task force; this is a subcommittee of a select special committee of the Legislature that includes representatives from all parties in the Legislature. Therefore, there are no rules for bringing nonelected people to bear on this problem.

The Chair would like to say that there is still the time problem, except it's gotten worse now. In an effort to hear everybody, the Chair will be interrupting at the end of 15 minutes. It would be desirable if people could summarize their briefs and allow for questions to flesh out the information for members of the committee.

In any event, the Chair would invite Frank Graves for his presentation. Welcome.

MR. GRAVES: Good afternoon. I do not have a profound or, I suspect, original statement to make before you this afternoon. I do, however, have views and feelings I would like to express. Most of all, I want to be counted in this debate now taking place among Canadians relative to the constitutional reform. I wish to be counted among those who want to see a strong, united Canada. If we are to achieve a strong, united Canada, I'm certain that during the coming months we as Canadians will have to exhibit our best characteristics of generosity and tolerance. If we exhibit intolerance and a lack of generosity, my wish and, I believe, the wish of the majority of Canadians will not be realized.

If a strong, united Canada is to be realized, I think we must begin by recognizing what it seems to me are some realities about Canada. Canada is made up of two founding peoples. Approximately two of three Canadians are English-speaking and have a predominantly Anglo-Canadian culture. These people live in all provinces, including Quebec. One in three Canadians are French-speaking and have a different and distinct culture. Many of these people live in Quebec, but there are French-speaking people throughout Canada. It seems to me that our Constitution must recognize this reality and extend equal rights to these two groups of Canadians. I hasten to add, of course, that there are many Canadians, including aboriginal Canadians, who have neither English nor French as a first language and perhaps wish to maintain a distinct culture or at least certain aspects of a distinct culture. Every effort should be provided to allow, indeed encourage, these people to maintain their language and those aspects of their culture that they see as valuable in the Canadian context. Native art, Ukrainian dancing, and Chinese food I suppose are examples. In brief, I support Canada's efforts to maintain linguistic and cultural diversity as opposed to the melting pot approach of our southern neighbour.

A second reality is that Canada is diverse in terms of geography and natural resources. There are areas endowed with an abundance of resources; there are also areas less well endowed. Thus, economic opportunities and level of living tend to vary depending on where one lives in Canada. Historically, in a uniquely Canadian fashion we have attempted to provide a sort of equity among all Canadians no matter where they live. These national standards – such as health care, education, social programs – have been maintained through a system of federal transfer payments. This desire for equity among all Canadians regardless of where they live is something we should maintain. The maintenance of such programs requires, I think, a strong central government.

If we acknowledge that Quebec forms a distinct society within Canada – and I believe we must if we hope to keep Quebec within Canada – then the proposals put forward by Quebec in the Meech Lake accord were reasonable and might well form the basis for bringing Quebec into the Constitution. The Meech Lake agreement failed for several reasons, some of substance but mainly, I think, of process. The agreement did not fail because Quebec's proposals were unreasonable. Indeed, the five proposals put forward by Quebec were agreed to by the first ministers, but there was one proviso with their agreement. The proviso was essentially, "If Quebec, me too." The provinces made several demands even though Mr. Mulroney had indicated that the Meech Lake agreement was the Quebec round of negotiations to bring Quebec into the Constitution. Mr. Mulroney explained that once Quebec was a full partner in Canada, other concerns such as native issues, Senate reform, and so on would be dealt with. This assurance by Mr. Mulroney did not prevent the provinces from seeking and obtaining concessions from the federal government. In his book *A Deal Undone* Andrew Cohen says that for every concession Quebec won, the other provinces won one too. This me-too scenario went so far as Mr. Vander Zalm saying: yes, Quebec is a distinct society, but so is British Columbia. Had the Meech Lake accord become a part of the Constitution, federal powers would have been much diminished. Canada would have become balkanized into provinces, each with its own agenda. There would be no strong voice for Canada. Current national programs would be threatened, and the possibilities of future national initiatives in areas such as technology or environment would indeed be remote.

1:44

My suggestions then are, first, that we be sensitive to Quebec's reality as being a distinct society, that we accommodate this distinctiveness with concessions of major political, economic, or even social programs. Simply, we provide Quebec with sufficient powers so that distinctiveness can be maintained. That, it seems to me, may require the matter of the selection of judges, some control over immigration, and so on. Second is that we maintain a strong central government that can respond to national issues and concerns, including the maintenance of present national programs in the areas of health care, education, social programs. This does not suggest that there may not indeed be need for a new division of powers between the federal and provincial governments. It means that the appropriate responsibilities of the two governments are well-defined so that programs can be achieved efficiently and responsibly. Thirdly, it's my suggestion that politicians listen to Canadians and then accept their responsibilities of formulating laws. It seems to me that constitutional reform ought to be above party politics. We all share responsibility that constitutional reform is achieved.

Thank you for listening.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Graves. According to my calculations we have five minutes for questions. Thank you very much for your well-articulated presentation.

John.

MR. McINNIS: I have a question, Mr. Graves. In respect to the two founding people, the English speaking and the French speaking, how do you feel about the position of aboriginal people? Do you think they should have the status of founding people in our country given they were here prior to either of the linguistic groups? Secondly, would you make any distinction within the Anglophone group?

MR. GRAVES: As we all know, the aboriginal question is a difficult one. I guess it's unfortunate that it has not been dealt with before, so I'm sympathetic with the position they took during the Meech Lake debate. I guess it's one of the priorities. We certainly have to solve the constitutional problem we're in, and equally important, we have to deal with the aboriginal situation. I guess that is one of the reasons why Quebec is arguing that they need certain legislation to protect their distinct society. Look at what the major cultural group has done to the aboriginals: we've just kind of swamped then. A characteristic, it seems, of human culture is that the dominant culture seems to kind of smother and disallow others to maintain a presence.

MR. McINNIS: I wonder if I can make my question a little more specific. The Meech Lake accord had a clause that said that the Constitution could be interpreted recognizing French speaking and English speaking as fundamental characteristics of Canada, and secondly, recognizing Quebec as a distinct society. Would you favour something like that, only putting aboriginal people in along with the English and French, or do you think that's a wrong direction altogether?

MR. GRAVES: No, I don't think it's a wrong direction altogether. Hopefully we can allow for a fairly distinctive aboriginal society. How this will be achieved I'm not certain.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Mr. Graves. I note your support for the current division of powers between the provinces and the federal government. My question is with respect to your support as well for national standards. One of the models that works, I think, is the Canada health system, where you have the federal government setting out five principles, which are then met by the provinces, and local governance of our health system. I guess my question is: do you assume from the words "national standards" that that necessarily means federally imposed standards, or in areas of provincial jurisdiction, which health and education are currently, could a consensus of the provinces to support that standard be a strong national standard as well, obviously in consultation with the federal government?

MR. GRAVES: I would say that the latter would be my position. I would argue that we ought to talk provincially and then allow the politicians to listen and hear what the majority view is and take action on that. Taking that one step higher, the federal government ought to listen to the presentation of the provinces in the formulation of a national standard. If they listen to the provinces and can identify a predominant view, then I think that ought to be the national standard, so we have all been involved in establishing the national standard. Once a standard has been established, it seems to me that the federal government has to have the money and what other things are necessary to maintain that accepted, or agreed-to, standard.

MR. DEPUTY CHAIRMAN: We have exhausted the time. Both Mr. Chivers and Mr. Chumir have indicated a desire to ask questions. The Chair, of course, is in the committee's hands. Are we going to try to stick with our time?

MR. GRAVES: I've got some important ideas that you should really . . .

MR. DEPUTY CHAIRMAN: I assume that the other six or more people who are waiting feel they have important ideas too, Mr. Graves. Thank you very much.

I'd ask Lucille Partington. Welcome to the committee, Mrs. Partington.

MRS. PARTINGTON: Thank you. I'd like to thank you for coming to the north to listen to our concerns because most of us in this area, of course, are Canadians and we're Albertans and obviously we're northerners, and we appreciate the chance to speak. James Michener, who wrote a lot of famous books, one named *Alaska*, said that he would never criticize any man, because he was adopted and he really didn't know who his kin were. Speaking to you today, I feel a little bit the same way because my family came to Acadia six generations ago and then eventually moved out to the west to homestead because of a lack of jobs. Over the years they intermarried with the French and the Metis, so I'm sure I am related to those and many other nationalities.

Of course, on my mother's side of the family my people were the Austrians who built the first sod houses in Alberta and eventually broke a lot of sod around the Lamont and Bruderheim area, where I was born. Because my dad bought grain for the Alberta Wheat Pool, we traveled around this province and lived in a lot of small communities. It wouldn't be any surprise to you today to find out that history repeats itself, as it always does in our families, so our views and our life-styles are very much those that come from the people we have been raised with. Today I find myself living out in Sexsmith in a house that faces grain elevators with a railroad track there. We don't see anything looking out our front window but that.

I have a history I'm proud of and so does my little town of Sexsmith. In fact, Nancy and Pearl, you'd be interested to know that one of the first two women elected to the Alberta Legislature, Roberta MacAdams, the very first woman to introduce a piece of legislation in any Legislature or parliament in the British Empire, married a gentleman named Harvey Price, and they homesteaded in Sexsmith in 1920. Also, for those of you from the big city, your first mayor, Matthew McAuley, came to Sexsmith in 1925 at the age of 75 to homestead. Of course, I'm happy to see sitting at this table our native son from Sexsmith, my MLA, Walter Paszkowski.

We could go on and on about our history, but the point I'm trying to make in telling you this story is that we as Canadians have people in this room and this area that have lived in this country from coast to coast if you look at our generations. So we come today to realize that the only way our country will succeed is by all of us accepting the principle of give and take.

1:54

What does this give and take really mean? Well, to me it means that we need more input on decisions at the local level so that the local people feel empowered and very much feel that they are part of the fabric of decision-making. Yet this must not be at the expense of some provinces for the benefit of others. The cornerstone of our nation has been our diversity, and balanced through equal power to each province with a strong co-ordinating central government, this system will still succeed. I do support the basic principles of Meech Lake, and I believe that Quebec should have its recognition as a distinct society as long as that distinct society is defined in an appropriate way and does not result in a disturbance of the balance of power. We need also to listen to the views expressed by members of our First Nations. The native peoples are our first nation, no question.

When I was going to high school, I took French because it was a requirement to get into university. But I lived in a small town and we had no teacher, so I took all my French by correspondence. So I can read and write French, but I cannot speak it. I definitely am a supporter of the concept of official bilingualism. I believe that, too, is very much a part of our Canadian fabric. As Frank mentioned to you, the model of all of us being one thing in this country probably will not work. However, I recognize that there are practical implications of bilingualism, and it's got to be carefully considered. In regions such as the one I grew up in, the citizens were unilingual, and as a result the school system and the area really could not afford to have bilingualism. It doesn't always make economic or practical sense to impose bilingual policies everywhere.

I feel that the regions and the provinces should have a reasonable amount of local autonomy, particularly in the areas where local concerns must be considered first. Often local decisions should not be made in Ottawa or maybe even in Edmonton, especially when those decisions have little impact or an adverse impact on other areas. Having Nancy sitting at the table, I as a member of the Grande Prairie hospital board can give you an example. That's the fact that the College of Physicians and Surgeons decided that we ought to have a two-year internship for foreign doctors. Unfortunately, we do not have spaces for them to study in the province of Alberta because the system is such that there's no place for them to go. This is going to hurt us tremendously in the north because a huge proportion of our doctors in the north do come from places outside of Canada. So that's just a small example of a decision that sometimes is made in an area. Of course, there are other rules and regulations that do not suit our rural way of life. We don't have time today to outline all of these, but as a northerner and a rural person I certainly would be pleased to do that at another time.

The federal government must maintain control over issues of national and international scope and most of those things which cross boundaries and provinces and territories. Examples of that would be resources such as water and air. There are other examples. We have spoken about how health care and education have worked in this country, but decentralization of power must be considered where this would be appropriate and cost-effective. This brings the government and its administration closer to the people while making it more streamlined administratively and more efficient. We like that.

The issues we're facing with this constitutional crisis are serious ones, and we definitely cannot afford to take Quebec's demands lightly and must strive to keep Canada together. We must make sure that Alberta's voice and the people are heard as well.

As well as having an east/west thing in this country, we also have a north/south thing, and it's very important for us to dialogue together and make sure that our ideas and suggestions come forward. It will help the nation.

We must be ready to do what is necessary to meet the challenge, and I think we have to be prepared to accept that we're going to have a new and restructured Canada. I certainly know that I for one am ready to meet that challenge.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.

Mr. Chumir, followed by Mr. Chivers.

MR. CHUMIR: Thank you very much for an excellent presentation. The central issue, I believe, facing this country and this committee is that of whether the philosophy of decentralization will prevail or whether or not we will maintain sufficient strength at the centre to keep our country together. I was very interested in your comments about the national involvement, I believe, in health care and education. I would appreciate if you would enlarge as to your particular view as to the degree that the provinces should be taking over areas of health care and social services and so on or whether or not you would want to maintain a federal presence, with minimum standards mandated by the federal government as opposed to the provinces.

MRS. PARTINGTON: This is a good question. Where something is universally needed by people, obviously there have to be policies. Nancy mentioned earlier that there are policies that are outlined by the feds. Now, obviously, the way we put those into play is going to be largely a provincial decision, and I suppose what you ought to have in Ottawa is a policy-making body that's going to make sure that people are provided for equally. In terms of the hands-on or exactly how this is going to be carried on, the provinces need a lot of say in that because there are a lot of differences. You take a look at Alberta, for example. We have a huge northern population in terms of the size of our cities if you want to compare us with the rest of Canada going east, because they haven't populated the north in the same fashion. That's just one example, but it is important to have standard policies. That's why you have the central government.

MR. CHUMIR: Right now in health care we do have a tremendous amount of provincial control.

MRS. PARTINGTON: Yes, we do.

MR. CHUMIR: The province really runs the health care system.

MRS. PARTINGTON: Yes.

MR. CHUMIR: But there are some who say that the provinces should take over all of the health care, setting the standards, and that this should be done by the provinces just getting together, and the feds should not have a role. I'm wondering; I think it's very important that we know. Are you saying it's important to this country that the federal government does maintain and continue that role of setting those overarching standards?

MRS. PARTINGTON: Yes, I think so, because where you're going to get into a lot of differences and a lot of problems is the vested interest groups. You know, whatever that means to you. It means a lot of things. We move around so much. It's an important point. We as Canadians are mobile, and we move around a great deal. It's important for us to know that when we move from province to province or area to area in this country, we're going to have the same standard. That's basically why I am saying that that particular standard has to be set by a centralized government. So it seems simple to me – obviously, it's not simple – where you have a group that sets policy and you have another group that effectively interprets them for the people. Now, maybe the central government doesn't always believe that the provinces are effectively interpreting those policies, but I believe the provinces can.

Secondly, I believe that those can be diversified in a way that will meet the needs of urban people and rural people as well. Maybe it's a little optimistic, but that's my view.

MR. CHIVERS: Lucille, in your submission you spoke of recognition of Quebec as a distinct society, and then you went on to speak of listening to the views of First Nations. I'm wondering if you could enlarge on your views with respect to aboriginal peoples and their role in constitutional reform and whether you think there should be some sort of distinct status for aboriginal people, some sort of constitutional entrenchment.

2:04

MRS. PARTINGTON: I believe that's what the aboriginal people are suggesting and are asking for. Remember that they're coming from a history in effect . . . In a way, as Canadians we have treated the aboriginal people the way I might treat my child. I have something valuable in my hand that that child is touching and I don't want the child to have it, so I offer him some candy or something else nowhere near in value and then take that object back for myself. Maybe it was the child's object, maybe somebody gave it to him as a gift, or maybe it was mine; it doesn't matter. The point is that with the aboriginal people we did a lot of – the word we have to use is "stealing." We stole a lot of land and a lot of things from them, and as a result there is a lot of mistrust, and a lot of mistakes have been made. I'm just suggesting that I think the aboriginal people themselves know what's best and what's right for them, and when they present us with a cohesive view on that, we need to listen.

MR. CHIVERS: Right. We've had many submissions speaking on just settlements, fairness and equity, and in terms of treaty rights and land claims. What I'm interested in is whether, when you were listening to the views of First Nations, you felt we should go a step further in terms of some sort of specific constitutional recognition of the status of aboriginal peoples, perhaps along the lines of the recognition of the distinct society for Quebec.

MRS. PARTINGTON: Yes, they are asking for that, and I believe it's their right.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: We have two minutes left for Ms Calahasen.

MS CALAHASEN: Thank you. Lucille, first of all, I want to thank you for that excellent presentation. I've got a few questions, and I just want to follow in Barrie's step in terms of the aboriginal people. Would you recommend that maybe they should have a special seat in the Legislature or in Parliament as a Member of Parliament? Would that be something you would see as a possibility?

MRS. PARTINGTON: Well, actually, I'm finding more and more that the native people in our area are enlightened, and it isn't going to surprise me that 30 or 40 years from now you won't be alone, Pearl, in the Legislature; there will be a lot of people, based on their education. I think that by themselves, without any concessions like that, the cream will rise to the top. You know, that says what it says.

MS CALAHASEN: The other question I have is relative to women's issues. I want to thank you for the first information that you brought forward. We haven't really had very many views on women's issues. What is your view in terms of some of the concerns that were being brought forward by women's groups, and what are your thoughts relative to women's issues being entrenched in the Constitution?

MRS. PARTINGTON: Again, I kind of have the same view as I do with the other nations, and that's that more and more we're finding that with their education and background women are beginning to speak very well for themselves. We see in the Legislature, as an example, an increasing number of women representatives. I personally don't need protection as a woman from the government. I think the opportunity I have in this province and in this country is equal to that of any man, so I don't feel concessions have to be made. I wish we would work harder as women to be involved in committees that are involved in, you know, social services and child care and all those things, but I think it's up to us, and I think we can do the job. I don't think we need concessions either. Again, the cream will rise to the top.

MS CALAHASEN: That's right.

MR. DEPUTY CHAIRMAN: Thank you very much, Lucille.

The committee would invite Darcy Donald on behalf of the Alberta Real Estate Association. Nice to have you with us this afternoon.

MR. DONALD: Thank you. Welcome to Grande Prairie.

MR. DEPUTY CHAIRMAN: It's nice to be here.

MR. DONALD: My role this afternoon is to present to you a prepared submission by the Alberta Real Estate Association on amending the Constitution of Canada. I have brought some supporting information for this task force as well, and perhaps I could just set it off to the side.

The Alberta Real Estate Association appreciates the opportunity to present its views to the constitutional reform task force of Alberta. This is our 10th year of involvement in constitutional reform. Our members, like many people in Alberta and across Canada, believe that the amending procedure in our Constitution is flawed. We've had direct and frustrating experiences in attempting to activate the procedure, which I'll describe later in the submission.

Our members also believe that while the introduction of the Charter of Rights in 1982 was a positive step, the Charter is also fundamentally flawed because it failed to include the right to the enjoyment of property. This is a right that our province's Legislature equated with the rights to life, liberty, and security of person when passing the Alberta Bill of Rights in 1972. Members of Parliament gave the right to the enjoyment of property similar recognition in the Canadian Bill of Rights in 1960, but in 1981 the right was dropped from the final drafts of the Charter. We believe today, and our members held the same belief in 1981, that this was a grave omission that must be corrected. Indeed, in 1981 some of our members through our national association, the Canadian Real Estate Association, called on the special joint committee on the Constitution to entrench the right to enjoyment of property in section 7 of the Charter. Because of objections from several provinces, in particular Saskatchewan and P.E.I., that did not happen. Their concerns for provincial restrictions on nonresident ownership of recreational and agricultural land involving less than 5 percent of Canada and its population meant that a long-recognized right was excluded from the Charter.

Some of us thought there must be some evil in entrenching property rights that underlay provincial opposition. Our members and members of similar associations across Canada have tried to find out what that evil might be. We got opinions from constitutional lawyers; we commissioned extensive research on property rights and how such rights are protected in a number of different countries. We discussed property rights with numerous people, politicians, and public servants. We learned that the opponents of property rights in many instances didn't understand the consequences of entrenching them or not entrenching them. We discovered that many people and politicians didn't understand how the Charter works, how it contemplates reasonable public interest limitations on Charter-protected rights and allows Legislatures and Parliament to opt out of particular rights or exempt particular statutes from Charter coverage.

We never discovered what the evil in entrenching property rights might be, but in the process we learned that many people didn't realize that property rights were not constitutionally protected and that the vast majority of people thought they should be. To confirm this discovery, Canadian realtors commissioned a Gallup poll on entrenchment in 1987. The poll showed very strong support across the nation for including property rights in the Charter. In fact, 84 percent of homeowners and 74 percent of renters favoured entrenchment. The results from Alberta paralleled the national findings.

Throughout the past decade many of our members have worked hard to keep the issue of unprotected property rights alive. Our association organized private property awareness events. We have met and talked regularly with politicians in Alberta and in Ottawa. We have supported political initiatives for many resolutions in a number of provinces and in the House of Commons. At the same time, we have collected examples of how people have been harmed by laws and government actions which override rights to property. I've included in that package I passed on to you our copy of The Right to Fight, presented in November of 1990, which gives some of those case histories.

Entrenching property rights might have prevented these unfortunate and painful situations. We can provide written summaries of these examples to the task force if you wish. In working to amend the Constitution by entrenching property rights in the Charter, we have experienced the flaws in the amending procedure in part 5. We have seen amending resolutions passed in three provinces and in the House of Commons and seen all of them die for one reason or another. That experience is worth recounting, giving this task force its focus on constitutional amendment procedures.

First of all, British Columbia. In September of 1982 the B.C. Legislature unanimously passed a resolution calling for amendment of section 7 of the Charter so it would read:

> Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

That was in September of 1982. This set the clock ticking on the three-year period set by part 5 for passage of the identical resolutions by the Senate and House of Commons and enough provincial Legislatures to meet the requirement of approval by seven Legislatures having in all at least 50 percent of the population.

2:14

New Brunswick. In June of 1983 New Brunswick's Legislative Assembly followed B.C.'s lead but passed a differently worded resolution. This meant that the clock started ticking again and B.C.'s resolution was effectively canceled unless New Brunswick decided to enact exactly what B.C. had enacted.

Ontario. More than three years passed before a majority of members of Ontario's Legislature, present and voting, passed a carbon copy of the B.C. resolution in November of 1986. The part 5 clock appeared to have been restarted again, but some members did not show up for the vote. The Ontario resolution didn't meet part 5's requirement of support from the majority of the members of the Legislative Assembly considering it. Frustrated again.

Finally, in the House of Commons in October of 1987 by the so-called luck of the draw, which apparently is the lottery used to select private members' motions for debate – a strange way to initiate constitutional reform – John Reimer, MP for Kitchener, introduced a motion for resolution worded identical to the B.C. resolution. Support seemed to be widespread, but the desire of governing parties to keep constitutional reform initiatives at the level of first ministers' meetings prevailed. The government introduced an amendment and ensured its passage, which prevented the motion from starting the part 5 clock ticking again. The amendment added the words "in keeping with the tradition of the usual federal-provincial consultative process." We were both encouraged and disappointed, encouraged because of resounding support the Reimer resolution received from MPs and disappointed because the part 5 procedure had been bypassed.

Like the Meech Lake experience, our experience in seeking an amendment to the Charter suggests some obvious improvements to the amending formula in part 5. These improvements have been vetted by our association's constitutional law advisor, Calgary lawyer Gaylord Watkins, who is also a member of the board of Alberta Law Reform Institute. The improvements we suggest are simple and straightforward. They would discipline and add greater certainty to the amending process.

First, any amending resolution once passed should stand automatically referred for consideration to all Legislatures and Parliament; an amending resolution without further action be positioned for consideration by every other Legislature, provincial and federal, in the country.

Second, consideration should occur within a set time period, say two years, or the amending resolution would move to the top of the Order Paper for consideration and vote before any other matter could be considered or voted on. An alternative might be to deem an amending resolution approved if not considered within two years. The Senate can suffer a similar fate under section 47 of part 5.

Third, approval of an amending resolution should be by the majority of members present and voting, not by a majority of all members. The constitutional reform process should not be frustrated by no-shows. Strangely, amendments to the amending procedure itself require majorities of members present and voting, while amendments to the Charter do not.

Our national association, CREA, has gone further in suggesting amendments to the special joint committee of Parliament on the process for amending the Constitution of Canada. CREA has suggested the use of voter initiatives or petitions to place amending resolutions before Legislatures for mandatory consideration and vote. We're informed that a number of U.S. states and Switzerland permit such initiatives. CREA has also suggested that referenda might be used for reconsideration by voters of a provincial Legislature's decision not to approve an amending resolution already approved elsewhere or to invoke the notwithstanding clause. Our association has not had the opportunity for broad consideration of these suggestions, but they are possible alternatives for introducing real opportunities for public participation on constitutional reform.

Let me conclude with three observations on the misconceptions about entrenching property rights. The view has been expressed that entrenching property rights in the Charter would limit provincial jurisdiction over property as established by the Constitution Act in 1967. The Charter does not limit such powers or in any way change the balance of powers between the federal and provincial governments. It affects the relationship between individuals and all governments, both provincial and federal. It specifies how rights may or may not be restricted in the exercise of governments of their constitutionally granted powers. It makes government more accountable to people, but it does not restrict the legislative areas in which their powers can be exercised. The concern has been voiced that entrenching property rights would fetter the power of governments to acquire or restrict the use of land for the public good. Would governments be able to provide for parks, roadways, waste disposal sites? Would governments be able to limit or prohibit existing uses of land found to be harmful? The Charter already recognizes the need to limit the rights it protects in the public interest. Section 1 provides that the rights and freedoms guaranteed by the Charter are subject "to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." Our Supreme Court has now relied on section 1 in a number of cases to uphold restrictions on rights. A recent decision upheld Quebec legislation prohibiting TV advertising in connection with children's programs, a clear limitation of freedom of speech. The public interest in protecting easily influenced children prevailed.

The U.S. experience for at least the last 50 years has been similar. The courts there have consistently upheld reasonable legislative restrictions on constitutionally protected private rights for general public interest purposes.

Finally, some people ask why we need to entrench property rights in a Charter when such rights are already included in the Alberta and the Canadian Bill of Rights. The task force has partially answered this question on page 12 of its excellent discussion paper, Alberta in a New Canada. These Bills are like any other statutes passed by Legislatures or Parliament. They can be amended or overridden at any time, and they have been ineffective in providing the courts with justification for overturning legislation, restricting the very rights the Bills purport to protect.

How has Alberta's Bill of Rights helped people harmed by our province's infamous restricted development areas or RDAs legislation? In what cases has our province's Bill of Rights provision protecting property rights been used? The record is clear: in no case. We trust the task force will not be fearful in recommending entrenchment of property rights, and so make the government more accountable, or in proposing the small changes to the amending procedure we have suggested. For people to have faith in the constitutional amendment process, they must believe it to be workable and not easily frustrated by partisan politics. They must also have faith in the Constitution and the Charter's protection of all rights and freedoms which Canadians consider to be fundamental.

In closing, the president of our association, Ted Zaharko of Calgary, who very much wanted to be here with you today, asked me to emphasize the importance many of our members attach to the continuing and active involvement of the Alberta government in determining how our Constitution and our country evolves. Without such involvement, Albertans must question not only the process but the result. We wish the task force well and hope it will to a considerable degree let the views of Albertans shape Alberta's contribution to resolving the constitutional problems which threaten our national, provincial, and personal well-being.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Darcy. We don't have very much time, but the Chair has three members who have asked to be recognized. I'd ask that the members try to deal with their questions as quickly as possible.

Dennis, followed by Barrie and then Stock.

MR. ANDERSON: Thank you, Mr. Chairman, and thank you, Darcy. That was a very articulate presentation, in keeping with my suggestion to your convention a month ago that you be quite involved in this process.

In terms of the amending formula, I believe your suggestions are very helpful and we should consider them seriously. The property rights issue obviously has been researched very well. My hesitation in terms of entrenching it in the Charter always has been the interpretation which is given by nonelected judges of Charter issues at a national basis. The limited research that I've done has not seen more protection on nationally based Charter issues than on legislatively based issues, where the population can still influence or change the politicians or the directions. Do you have any comment on that or anything that might soothe my fears with respect to how the court would interpret the words; no concern with the words, but how the court would interpret the words?

2:24

MR. DONALD: I think, Dennis, it's our association's position that we would rather deal with an interpretation, with the wording placed within the Charter itself, than the possibility of actual changes in legislation to the Alberta Bill of Rights. When looking at past histories and some of the case histories that I presented to you today, there really hasn't been the protection, in particular where there have been zoning caveats placed against property, to protect the people and the use of the property that in fact they own. I guess our concern is that we would rather see the rights guaranteed within the Charter itself than placed within provincial legislation.

MR. ANDERSON: Okay.

Very quickly, Mr. Chairman. Have you researched the effect, where there have been national charters in other countries, on the exceptions that are made there, because my research showed more exceptions than you would find to the Alberta Bill of Rights.

MR. DONALD: I will certainly refer that back to the individual who's been working with us with very closely at the Alberta association level, and that's Gaylord Watkins. We'll ask him to research that if he hasn't already.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I wanted to pursue the same topic with you, Darcy. As I recollect the debate about property rights and the entrenchment of property rights, part of the concern at the time had to do with the relationship to the notwithstanding clause. I noted in your submission here that you shored up your submission that there should be entrenchment of property rights by reference to the notwithstanding clause. Now, I take it that the reason you made reference to the notwithstanding clause is that that is a mechanism for a province to enact legislation notwithstanding the Bill of Rights so that in the event there was a conflict between the legitimate public aspirations of a government of a province, they could get around the property rights clause in that way.

In essence, what you're suggesting, then, is to give the entrenchment of property rights a higher status, but in your view, in your submission, it would only coexist if the notwithstanding clause were to remain in the Constitution, in the Charter of Rights.

MR. DONALD: Our association, I guess, is saying that we're prepared to live with the notwithstanding clause in the Charter. Further on in my presentation we have also indicated that it has been a suggestion that perhaps a referendum be used by the population of a province to perhaps question a province's desire to implement the notwithstanding clause. What we're suggesting – I guess our position is very simply that we want to see the property rights entrenched within the Charter. The notwithstanding clause as placed in the Charter: we're prepared to live with that.

MR. CHIVERS: So you'd really like to see it regardless of whether there's a notwithstanding clause, but you'd be prepared to live with the notwithstanding clause in order to have it?

MR. DONALD: Yes, we would.

MR. CHIVERS: Just to go back another step. As you pointed out, there is entrenchment in statutory form, in ordinary statues, of protection of property rights in various jurisdictions. I know of no example where there's been any difficulty in the application of those rights, and I'm just wondering if you have some.

MR. DONALD: The Canadian Real Estate Association prepared documentation on several case histories across Canada involving property rights and the problems that have occurred across this country. One case in particular that affected Alberta directly would probably be the four sisters case; I think that's the way it was known. This case has been settled, I believe. I can read you a brief summary if you have time for that.

MR. CHIVERS: I think perhaps we'd best not, but if you've some documents . . .

MR. DONALD: I can give you the citation.

MR. DEPUTY CHAIRMAN: Darcy, if you just give the citation, then members can refer to the case.

MR. DONALD: Okay. It's the Edmonton sisters' land frozen by the province; that is the basic headline. What happened was that their land fell within what was called a restricted development area. We have copies of that.

MR. McDONOUGH: It's being copied as we speak.

MR. DEPUTY CHAIRMAN: Stock, we're overtime, so as quickly as possible, please.

MR. DAY: Darcy, you're to be congratulated because you've taken a problem and approached it positively and worked out a process along the lines of the amending formula. There were some good ideas, and I want to follow some of those up. Would you be satisfied, even on an interim basis or maybe permanently, with the Constitution making this an area of exclusive provincial jurisdiction? You said that in one case the federal government amended a resolution that would have been helpful to you. In another case, where B.C. passed a resolution, the three-year time limit was the problem because other provinces didn't come onside, or they delayed it. Have you researched that? Would that be of assistance if it was given an area of specific provincial jurisdiction?

MR. DONALD: I find the amending process extremely confusing as a layperson. In reading over the information that was provided to me prior to the submission, I believe Gaylord Watkins has probably studied that very real possibility. The way I understand it is that in order to effect a change we have to have – I won't say unanimous agreement, but it's almost to that point, and unanimous agreement is completely unworkable. When you have one province that brings forward the proposal to entrench property rights and another province agrees in principle with that very thing but changes the proposal just minutely, basically, and then throws the whole process out of kilter, it's extremely frustrating. Again, I can't say whether we have actually looked into that proposal that you've just mentioned, but I will talk to Gaylord about that.

MR. DEPUTY CHAIRMAN: Thank you very much, Darcy.

MR. DONALD: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Marie Buck, and the committee would invite Marie to come forward, please. Welcome.

MRS. BUCK: Good afternoon. Ken Partington was actually slated for this time period, and he's unable to attend, so I thought I'd take this opportunity to express my feelings. It's not until one sits down and tries to make some suggestions that one realizes the most difficult task that lies ahead, and I'm sure there aren't going to be any easy answers.

2:34

Firstly, I'd like to say that I'm proud to be a Canadian, and it makes me very sad to see Canada being torn apart, with small sectors of Canadians wishing to have special rights and privileges. I feel it is very important that we all feel like we are Canadians first. If we all feel this way, then we won't be expecting to be different and to receive special considerations over other Canadians. We live here because we were born here or chose to immigrate here, to Canada. We have the freedom to move where we wish, so since it is our choice to live in Canada, then let us think as Canadians, not as people from another country. We are Canadians. If one group is to receive special considerations, then we must give the same considerations to all groups, and it is impossible to keep a country together under these circumstances. If people wish to pass on their culture and their language to their children, that is great; we as Canadians are happy to see it happen. But it should not be done at the expense of other Canadians.

Our health system is another concern that I feel is very important. I feel that it should be a universal health system throughout Canada, one that everyone, regardless of nationality, age, or income, would have the opportunity to use. Education is another issue that I feel should be universal so that we have standards throughout, so that we can go from one province to the other, and so that universities will have standards that are recognized throughout the country.

I feel it's important too that when the federal government is starting programs, it doesn't cut back on the funding. Once a program is started, then it's hard for the provincial governments to pick up where they had left off.

In regards to a province or region being allowed to leave Confederation, I feel it is best for Canada to remain as one. The European countries are trying to reach some kind of unity. Well, Canada already has this unity, and for both economic and cultural reasons it would be a tragic mistake to separate.

In regards to Senators, the present system is both ineffective and expensive. The Prime Minister should not have the power to nominate more Senators when he needs their support. If things remain as is, then I feel it's just a waste of our money and the position should be eliminated. If they were to be elected by each province and were responsible to the people and not the ruling government, then they could serve the people. Each province should have equal representation regardless of population, because the Senators would be representing a region.

I also feel that perhaps more authority should be given to provincial governments because they are closer to the issues and could therefore make better decisions on these issues.

In closing, I'd mostly just like to say: let us all be proud to be Canadians and not expect special rights and considerations. Let us work together as one. I think that's really something that we should emphasize, and I don't ever hear it in the media where, when we're talking about we as Canadians, we're talking about sections of people as opposed to one Canada.

MR. DEPUTY CHAIRMAN: Marie, thank you very much for your presentation.

MR. CHUMIR: Thank you very much, Marie. You mentioned that you felt that health care and education should be universal across the country. There's a bit of a difference of opinion as to whether or not these minimum standards should be set by the federal government or whether or not it should be left to the individual provinces to come together and agree as to what those standards should be. One view is the decentralization: let the provinces make the decisions. The other is that we need a strong federal government to make sure that we get these things decided cohesively. Can you give us your view as to how that should be done? Do we need the strong federal government in there, or can the provinces individually do it?

MRS. BUCK: Well, they could certainly handle the individual aspect, the issues for the area, better than the federal government could. I'm not exactly sure I can give you an answer to your question.

MR. CHUMIR: Let me perhaps ask you a more precise question. At the present time under the medicare system the federal government sets standards re universality, portability, comprehensiveness, and so on. These are just the framework. Then the provinces now actually run the medicare system. They decide on hospitals, what's going to be covered, and all these types of things. There's some suggestion that we should get the federal government out of even establishing these basic standards and that we should just let the provinces come together and decide what those standards should be. The other view is no, it's important that we have a federal government to do that on behalf of all Canadians. Let's assume that all the administration, the operations, are going to be done in the province. Who sets those standards? Can we leave it to the provinces, or do we need to have a strong federal government in order to have a continuing nation?

MRS. BUCK: Well, probably that works effectively that way, to have the federal government set the standards.

MR. CHUMIR: Okay, thanks.

MR. ANDERSON: Mr. Chairman, I want to follow up on that question and explore it a little bit further. The concern that's expressed on the part of some with the federal government establishing standards is that concern that exists with respect to other Canadian decisions, and that is that the population control of the federal government from the central Canadian provinces can have standards and priorities established which don't necessarily relate to the regions. Do you share that concern at all? Do you feel that there is the possibility of a more equitable decision-making process if the provinces have to establish a set of standards for, say, education, that they would meet through their constitutional jurisdiction, which of course education and, for that matter, health care are?

MRS. BUCK: I don't really think I'm qualified to answer that question. I just feel that it is important that all Canadians receive the same standard of health care and educational facilities and learning. I'm not qualified to answer that.

MR. ANDERSON: So in terms of whether that's done by provincial governments in concert or by the federal government or a combination, that isn't your concern; the concern is that the standards are there.

MRS. BUCK: Yes.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. Marie, a surprising number of people who come to these hearings mention our health care and our education. Now, I'm getting the feeling that a lot of people feel that's an important part of what makes us Canadian, that they're proud of our health care system, not just the delivery of services but some of the breakthroughs in medicine that have been made by Canadians over the years. I'm wondering if you feel that for things like health care, education, maybe even the idea of a fair wage for a fair day's work, and perhaps our commitment to a clean environment, we shouldn't try to put some of these things forward in our Constitution as Canadian goals in a way that would sort of focus us on something positive as opposed to these disputes over who does what and who gets the money and that kind of thing. Do you have a sense that it might be a good idea to put some of those things down on paper and say, "These are the things that make us Canadian?"

MRS. BUCK: Yeah, I feel those are important issues, and that's one of the reasons why Canada is a good place to live. It's because we have high standards. That certainly is a concern. We don't want to see it go downhill. So, yes, that's something that I feel is important.

MR. McINNIS: And maybe it should go right in our Constitution.

MRS. BUCK: Sure.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Marie, for your interest and your participation.

MRS. BUCK: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is David Buck.

2:44

MR. BUCK: My name is David Buck, and I'm from Fairview, Alberta. I'm here today representing a group who met about two months ago. They asked me, since I was down here taking advantage of health care, to drop in and give a presentation of their opinions on a number of different areas which would probably apply to what you people are looking into. So if it's okay, I will proceed with the questions and answers this group came up with. Remember, I'm the messenger and these are not necessarily all my opinions in that order, but I think we had a very good consensus the evening we met. It was a very worthwhile experience.

Number one, what did the group say were the major issues facing Canada now and in the future? Our number one concern was the economy, broken down into the deficit; a decrease in transfer payments from the federal government to the provincial and the provincial to municipal; three, growing bureaucracy; and four, government overspending. The second concern was the division of Canada. We felt that the country as we know it is at risk, and our politicians as well as ourselves should be very concerned about that. And three: the environment.

Number two, what did the group say about aboriginal peoples, lands, and government? First of all, we believe in self-government and self-determination for aboriginal peoples. The feeling was that an aboriginal government run as a municipal district or a county with the same rights and responsibilities would be a good way to go. Three, over a period of time the federal government should remove themselves from the responsibilities of native government and give the aboriginal peoples themselves more of the power that goes with their agreements.

What did the group say about a new partnership between Quebec and the rest of Canada? One, all provinces should have equal rights and responsibilities; two, we should concentrate on individual human rights, not rights of a province as a whole; three, a new partnership with Quebec is inevitable, with Quebec having self-government much like we suggest for our native populations; four, trust and tolerance between the partners is encouraged; and five, a new partnership would improve Canada.

What did the group say about regionalism and shared interest among regions? We're headed towards and we encourage less centralization and more provincial powers. Provinces should be more autonomous.

What did the group say about official languages? Let each province decide its own official language, and as English is the international trade language, it would also be the official language at the provincial and federal levels.

What did the group say about ethnic and cultural diversity? We should welcome people from other countries and encourage them to keep their cultures alive, with consideration that they are now Canadian and must adhere to the laws of Canada. The group felt that a strong culture will take care of itself and does not really require any financial help from the federal or provincial governments.

What did the group say about Canada and the world? We are fortunate to live here and to enjoy freedom. There was a feeling that we should guard against exploitation of others, meaning others in the world, in order to maintain our standard of living. We tend to live above our means and should work at becoming more self-sufficient as a people. I'll refer to that a little bit later.

What did the group say about what we value and how it can be preserved? We value freedom and would like less government and more personal freedom. We value our social programs but would encourage people to take responsibility for themselves. We value our personal safety and must guard this with laws and judicious enforcement of these laws.

What else did the group want to tell the committee? We want to keep Canada together. We must now look beyond at what will be best for Canada. We need politicians with a vision of us and strong leadership ability to see us into the future. Hopefully this constitutional committee will take us in the direction of government for the people by the people.

A couple of other items. We would like to see immigration increase in this country, particularly in the Fairview area where we have our agricultural college and a large farming community and we fully realize that 80 percent of our product is exported. Countries which have no problem with exports of agricultural products are those that have large populations, so we believe increased immigration would be useful but probably should remain in federal hands.

Senators should be elected or the Senate should be abolished was the general feeling.

Education and health: whether it should be federal or provincial is really a matter of dollars. People in politics would know a lot more about how much was being transferred 30 or 20 years ago and how much is being transferred now to enable provinces to take care of these programs. We certainly did believe, though, that standards across the country should be comparable whether it's federally controlled or whether provinces get together and agree that there are certain standards that should be met in health and education.

That's about it.

MR. DEPUTY CHAIRMAN: Thank you for your very comprehensive presentation.

Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I didn't find anything in the presentation that would remotely want us to shoot the messenger.

UNIDENTIFIED SPEAKER: He's already got a broken leg, so . . . [laughter]

MR. ANDERSON: I appreciate the very concise way you've gone through it. Many delegations that have appeared before us have suggested giving more powers to the provinces, decentralizing more. Could you outline a bit more what thoughts there were from your group on where that should happen versus where those should be in the federal arena?

MR. BUCK: Well, I think I would have to research that to know how much money is involved with each program the federal people handle versus the provincial people handle or parts thereof before I could talk about that. Is it not true that transfers of payments have been decreased over the last 10 years, let's say . . .

MR. ANDERSON: Yeah; there's no question there.

MR. BUCK: . . . and more responsibility for certain programs has been put on the provinces over the last 10 or 15 years?

MR. ANDERSON: By and large. I think there are some areas where . . .

MR. BUCK: And this is a constant . . . I'm sure that when federal politicians and provincial politicians meet, a really interesting topic they get into is about how much money goes out and how much comes back.

MR. ANDERSON: Generally, though, it would be fair to say that you feel the government closer to the people should be dealing with the issues as long as they've got the dollars to do that.

MR. BUCK: That is true, without losing certain things that we think of as Canadian. That is, if I get a degree in science from the University of Alberta, I'd like to be able to use it in any other province in the country and have it accepted as comparable to a degree from the University of Toronto or the University of B.C.

MR. ANDERSON: Okay. Fair enough.

MR. BUCK: You can't completely close off the rest of the country when you're dealing with these things. There's got to be a consensus on it, I guess.

MR. ANDERSON: Great. Thank you.

MR. DEPUTY CHAIRMAN: Barrie?

MR. CHIVERS: David, your brief was very well structured, very well organized, and you obviously put a lot of thought into it. I was wondering if you could give us some background about the group you represent, how many people.

MR. BUCK: Fifteen people.

MR. CHIVERS: How many times did you meet?

MR. BUCK: We met once for a marathon session, one evening.

MR. CHIVERS: You've given it to us in the format of questions with your answers. Were the questions formulated beforehand?

MR. BUCK: The questions were sent out by the Spicer commission to one of the group members, and that was the original reason for the group getting together.

MR. CHIVERS: Right. And that was the complete list of questions?

MR. BUCK: That's exactly what we received, yes.

MR. CHIVERS: Did you also make a return to the Spicer commission?

MR. BUCK: Yes, we did.

MR. CHIVERS: All right. Thanks very much for coming today.

MR. BUCK: You're welcome.

MR. DEPUTY CHAIRMAN: Stock.

MR. DAY: David, thanks. I'm encouraged to hear that a group of people got together and discussed these things. You talked about wanting more autonomy provincially. There are two models being suggested when it comes to standards. It seems to be, and you've indicated too, that people want national education standards, national health standards. One of the models that's being suggested is that the federal government simply sort of take the thing by the horns and show a lot of muscle – that's a word that's been used – and in effect lay out what those standards would be. Another model that's been suggested, for instance, in education would be that each province would have either their designated ministers or education officials meet together with the other provinces, draw up the standards, and then use the federal machinery to disseminate those standards across the country. Do you have a sense of what model your group, or even you individually, would prefer?

MR. BUCK: Personally, I would like the federal people to have more muscle, because I think it would be a simpler decision for one minister to make than 10 ministers to make.

MR. DAY: Okay; I appreciate that.

Also, you mentioned the law and the judicial system. Do you think there are areas in certain legal or jurisdictional matters where the provinces should have more say than the federal government?

2:54

MR. BUCK: I think in that case we were referring more to the speed of – well, let's put it this way – the application of laws and the speed of the courts and the application of sentences from those trials in the courts. We'd like to see a little more activity there, I guess. When you see cases that are dropped because someone didn't get a court hearing within eight months of the time of being charged, it is frustrating I'm sure not only to the law enforcement officers but to the general citizenry as well. It gets a little bit frustrating.

MR. DAY: Thanks. What about where policy – federal policy is what I'm thinking of – affects laws or sentencing? It seems to get emotional, but if I can use an extreme example, the example of Charles Ng, most Albertans would suggest that it would be proper for him to be extradited, yet federal policy doesn't seem to allow that. Should there be some way that provinces could have more autonomy in that type of thing, or are you content in leaving that with the feds?

MR. BUCK: Well, I personally believe it would be better if they had some effect there, but when you do that the whole system has to warp, because no longer can you go province to federal government to Supreme Court, et cetera. The whole thing basically is going to have to be torn down and started all over again. A person who is not aware of all the facts might say, "Send the guy over the border." How many of us know all the facts? Personally, I'd have to say that I couldn't say one way or the other on that, but an off-the-hip type of feeling would be to let them deal with it. It's complicated.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: I just want to get a clarification if I could, David. You mentioned that health and education should be the same across Canada, and then you expressed some ambivalence as to whether that would be done through the federal government or through voluntary agreement by the provinces. Then in response to Stockwell Day's questions, you indicated that you thought in certain instances the federal government should have more muscle because one government could . . .

MR. BUCK: Well, what I said in terms of that education question was that I thought it would be easier for one minister to make the decision than for 10 to agree on a decision.

MR. CHUMIR: Well, let me ask that in terms of the Canada Health Act, because the present structure – and you probably heard our discussion earlier – is that the federal government has mandated six principles which set out a framework and then the provinces do all the actual decision-making with respect to how the system operates. There's been some suggestion from the provincial government that the federal government should get out of setting those standards and just leave it to the provinces to decide, to come together and make an agreement or whatever. I'm wondering whether your same thought that we'd be better off to have the one federal government . . . If you want to get your standards, the federal government should be doing it as opposed to leaving it to a lottery of the individual provinces.

MR. BUCK: I would prefer it that way, but probably money makes it . . . In other words, if you cut back on money that's going to the provinces to fund things like that, then you limit the programs they can put up. If there was no money involved here, then I'd say yes, I prefer that the federal people have full control of it, because again it's easier for one body to make a decision on something than 10 bodies to agree on something. Okay? But either way, I think standards across the country should be fairly comparable. Now, if it means provincial ministers getting together and agreeing that they'll all do the same thing, fine, but it would seem to me one federal minister could make that decision a lot easier.

MR. CHUMIR: I'm not sure what you're saying vis-à-vis the money. Would you prefer to have it done by the federal government and some federal funding, which is the present situation?

MR. BUCK: Yes.

MR. CHUMIR: You'd prefer federal funding and the federal government to set those standards.

MR. BUCK: I would prefer that, yes.

MR. DEPUTY CHAIRMAN: The Chair has sort of been hearing David say that he who pays the piper calls the tune. I don't know if the Chair is misinterpreting.

MR. BUCK: I think that's the case.

MS BETKOWSKI: Can I just double check? I'm trying hard not to get into health issues. I think it's improper that I do that as Health minister, but I have to just clarify something Mr. Chumir said. I think the model we have with the Canada Health Act is a very workable one: objectives with the federal government, at least the running funding primarily with the province, administration at the local level. If we were to move that into the Constitution, we would be making a different division of powers in the country, because right now health is under provincial jurisdiction. I think the workable model is there, and frankly I think it gives us a model to look at for other areas of the division of powers. You didn't comment on the division of powers. I'd like to hear your comments on it.

MR. BUCK: There you go calling on my memory again. I guess it would be best to start out by saying that in terms of the Health Act, you know a lot more about it than I do. Now, of these six guidelines the federal government has across the country, you would know what they are too. I'm not that familiar with them. I think our group just generally felt that the more fragmentation you get in any kind of program that was originally a federal program – it may have evolved into a better program now, being shared between the federal government and provincial governments and municipal governments – you lose things along the way, I guess. It's not that the Alberta health care program is bad or the Ontario health program is bad, but someone from here may go there or from there may go here and be confused by the differences. I guess that's what we're kind of getting at.

MS BETKOWSKI: So is it fair to say that you like the health program in Alberta.

MR. BUCK: Yes.

MS BETKOWSKI: And you believe someone should be able to move across the country and be able to access the same level in Canada.

MR. BUCK: Exactly.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, David, for a well-delivered brief.

MR. BUCK: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is Bill Hoag. I invite Bill to come forward, please. Welcome to our table, Bill.

MR. HOAG: Thank you, Mr. Chairman and members of the panel. I'd just like to say in starting that I along with my family are very passionate and proud Canadians. I guess I feel that we cannot allow this country to be broken apart. I'm deeply saddened to even hear the word "separation" spoken. It bothers me. And I don't like to hear "sovereignty association" at all. To think that they're discussing it about our country, this Canada.

I guess I would feel the same thing a little closer to home. We have quite a French community here with Donnelly, Girouxville, Falher, and having called on many businesses and people in that area as a young fellow many years ago, I know they're good people and it wouldn't be the same without them. They all add to the community, and I guess I feel that's the same with Quebec in Canada.

3:04

Some concerns have already been discussed here today. One example is the Senate. I agree that it certainly should be overhauled or abolished, one of the two.

I believe in a strong central government. I don't think that we can have a bunch of very strong provinces with a weak central government. You know, the first question that comes up is: who speaks for Canada?

There are just a couple of points that I would like to zero in on in this informal presentation of mine today, communication and education. I feel that each child in Canada should be required to study Canadian history every year they're in school, from kindergarten right through. I remember that as a youngster there was very little Canadian history. Also, when my children went through school, it was hodgepodge. I don't think it should be like that. I think it's far too important just to be left in that circumstance. Part of the school curriculum, I think, should be communication. By that I mean that all students, whether elementary, junior, or high school, should be allowed to visit other provinces, get to know each other. Whether it be Quebec or the students in Old Crow, Yukon, they should have equal access. It seems ridiculous to me that we don't have that now, yet Senators' grandmothers and grandfathers until recently could travel this country on free airfare. I think it should be for our students, their heritage. They're our future.

When our family was young, we made our holidays in Canada first. We went from coast to coast: central Canada, Yukon, and the Northwest Territories. Our family is familiar with all the provinces. It was disturbing to me when we made our trip to the maritimes to find that it was much more expensive to fly our family to the maritimes and return from Grande Prairie than it was – we could have gone to Disneyland five or six times, and if my memory serves me right, I think we could have gone to Rome and back twice for the same price. That tells me that there's something wrong, that governments don't want us to visit other provinces. I may be wrong, but that's the way I see it. In fact, today if you were to fly from Grande Prairie to Penticton and back, it's almost a thousand dollars, not very much change left. That seems to me ridiculous when my wife and I can fly, I think, from here to Hawaii and back for $500. Now, I'd like the powers that be, the politicians, to have a look at this. High fares, I think, are the wrong way to get to know one another.

The Wainwright people are a good example of this. We recently saw on television where the Wainwright people took it upon themselves – God bless them – to go down and find out something about how the other people live. They found out, as we did several years ago when we visited eastern Canada and the maritimes, that they, too, put one shoe on at a time and basically are the same as all the rest of us Canadians. They're not that much different. They have the same objectives and ideals and dreams. A lot of the grievances are the same too. They found that. By the same token, the people came back and visited the people in Wainwright.

It seems to me that we should be putting a little bit of effort in twinning our own Canadian cities. I think Grande Prairie here twins with someplace in Texas. I'm not sure whether we twin with any Canadian city; I don't think so. Edmonton? I know there's a big monument there in a part of the city, twinning with a place in China. They make a big deal of it. I guess we have a Canadian city, but you never hear about it. So I think this is the way we should go. If we get to know people, we find out that basically we all are a lot alike.

I guess sometimes I don't know how far we should go in the accommodation of politicians and their long lists that they have, because basically I don't know whether it's the truth. We see them on television, and we're not sure whether that's the voice of the people or not. Sometimes I don't think it is. I think we could better accommodate each other if we did some visitations. A very simple suggestion here for this government of Alberta is just to pay for some delegations to Quebec or, if need be, into Yukon. Or vice versa: pay for some coming back. It all costs money. Maybe we'd have to not buy any more packing plants or something. I don't know.

That's basically all I have to say other than that I hope all people involved in this discussion on our Constitution today, all politicians and other people, can rise above party politics. I know it's difficult. It's easy for me to just sit here and say that to you. I know that all parties have good ideas. What would be nice, I think, is for once to put all those good ideas together for the betterment of this great country, Canada.

Thank you very much for the opportunity to speak.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill.
Okay. Sheldon.

MR. CHUMIR: I know we're all interested in this issue that I'm sure Mr. Hoag has heard discussed here this afternoon: the direction we should be moving with respect to centralization versus decentralization. The state that the country is in now, is it in our interests to be taking more of the key powers away from the federal government in respect of what it exercises re health care and social services? Should it be involved in education? Should the federal government be setting minimum standards in these areas? Or should we be moving in the direction of having the provinces do their own thing and maybe having them decide on what national standards they want, if that's an issue?

MR. HOAG: I don't think so. I think it should all come through the central government. I'm afraid what would happen in that case is we'd get education . . . It's already started to happen, with which I was deeply disturbed, in immigration. Already Quebec has their own immigration policy. They've been granted that. So I see another hodgepodge. Do they have the same regulations for immigration they do in Yukon? I think it probably would lower the standards. I'm not sure, but I think I would favour the strong central government. I'm not too concerned with the process. My bottom line would be that people in Inuvik would get the same health care as they do in Sherbrooke, Quebec. I would hope that the central government would ensure that, and maybe in environment too, the same thing.

MR. CHUMIR: There are some who suggest that this should be done through the agreement of the provinces, and that's the best way of getting a minimum. You're saying that you feel the central government is the best way of doing that rather than just having the provinces come together?

MR. HOAG: No. Possibly to have them set out some guidelines, and then the provinces coming together certainly.

MR. CHUMIR: The feds would set out the guidelines?

MR. HOAG: Yeah.

MR. CHUMIR: Then the provinces would . . .

MR. HOAG: Would fit into that. I think so. That would be in environment, education, and health care. I mean, just the main ones. And immigration, too, if it's not too late.

MR. DEPUTY CHAIRMAN: Nancy.

3:14

MS BETKOWSKI: Thank you, Mr. Hoag. An excellent presentation. My question is with respect to some discussion we've heard about enhancing public participation in at least the constitutional process in our nation if not more. You mentioned your support for an overhaul or the abolition of the Senate. My question is whether you have contemplated other models that might give citizens more of a sense of participating in a process other than simply electing someone to represent their views once every four years.

MR. HOAG: Pertaining to the Senate.

MS BETKOWSKI: Senate or other. Especially if it became elected, people would have a say, really, in the balance between federal and provincial powers. Some people are suggesting to us, for example, that the Constitution is a unique entity, and Canadians should be chosen to deal with the Constitution. You get into the question of what's the more democratic model, an appointed or an elected person. Presumably your support for Senate reform is part of that debate. My question is: what overhaul would you advocate for Senate reform, and are there other models to enhance the democratic process?

MR. HOAG: I guess possibly I would have an elected Senate. I know there are objections to this, but I would just state that we have a good example with Senators in the states. California, Alaska, Delaware, and Rhode Island: all small states and managed quite well with the representation by the people. So I think that would work well, and maybe Albertans would feel possibly part of the system if we had that. I don't think we do – I don't – with the present system. I don't think it's a very good setup anyway, the way it is with the Senate. The way it's run now, I think that if we abolished it, there certainly would be some mechanics that would, you know, carry on what they're doing without too much trouble.

I'm not sure about elected government other than I would like to see possibly the same number of MPs elected from each province. I don't know if that makes any sense or not, but then again we would be all equal in our representation. I don't know whether we would ever swing that or not, but that's how I would see it.

MS BETKOWSKI: Thank you.

MR. CHIVERS: Thank you for coming and sharing your views with us, Mr. Hoag. I'd like you to focus for a moment, if you would. You've spoken in terms of a strong federal; I'd like you to address the constitutional framework as you think it should be in terms of relations with Quebec. Now, we've had, I think, during the course of our hearings thus far approximately five different options set out for us or suggested to us. In listening to the voice of Albertans, we've run the gamut from status quo, the way things presently are; to what's called asymmetrical federalism; to symmetrical federalism, for lack of a better term; sovereignty association; and independence. It seems quite clear that many of those options are not acceptable to Quebec. I'm just wondering what your view is as to what sort of constitutional framework we should have governing our relationships with Quebec.

MR. HOAG: I guess I'm not sure, Barrie. The question I'm wrestling with is: is that what Quebec wants? We hear that on television, you know, from the politicians, and I'm not sure that that's what Quebec wants.

MR. CHIVERS: I share your thoughts there, because I suspect that many people in Quebec are going the same sort of a process in terms of their thinking, and I suspect that many of the different viewpoints that have been expressed here have also been expressed before committees in Quebec. Part of our problem is: how do we determine what the voice of the people is? We hear so many different viewpoints expressed to us.

MR. HOAG: Right. I suggest again what I've suggested here today: by doing a little more talking. There was quite a change in those people – I forget the town now, near Wainwright – who went down there and talked to these people.

MR. DEPUTY CHAIRMAN: They were from Wainwright.

MR. HOAG: That's right; they were from Wainwright. I guess I feel that we need more of this.

MR. CHIVERS: So maybe we're not ready to answer these questions.

MR. HOAG: I don't know. I don't know whether we are or not. I remember before going to Quebec many years ago that I was told that you must be able to speak French or you won't get served in a restaurant. We were all ready to pack a lunch for two weeks.

MR. CHIVERS: Okay. Just very briefly, I wonder if I could divert your attention, then, to focus on official languages and bilingualism. What are your views in those areas?

MR. HOAG: Well, we have bilingualism. I think we're fortunate that we're able to speak another language. I guess I'm sorry that I didn't have the chance to learn another language very young, like some of my grandchildren can do now. It's too late in high school.

MR. CHIVERS: So you would, in general terms, support the official languages policy?

MR. HOAG: Uh huh.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, Bill, for your participation.

MR. HOAG: Thank you.

MR. DEPUTY CHAIRMAN: The committee would invite Fred and Bill Nobbs to come forward, please.

MR. B. NOBBS: I think I'll relinquish my time for the time being. Would that be all right?

MR. DEPUTY CHAIRMAN: Sure; if you would like to fall into the unscheduled group at the end.

MR. B. NOBBS: That might be better, yeah.

MR. DEPUTY CHAIRMAN: We're at your service.

MR. B. NOBBS: When is the . . .

MR. DEPUTY CHAIRMAN: Well, we have one, two, three more scheduled, and then we have whatever time is left until 5 o'clock.

MR. B. NOBBS: Okay; that'll be fine.

MR. DEPUTY CHAIRMAN: Thank you very much.

Then the committee would invite Alderman Marion Howarth and Kelly Daniels. Welcome to our committee, Alderman Howarth. I understand that you're representing the city of Grande Prairie.

MS HOWARTH: That's right. Hi. With me is Kelly Daniels, our city manager. I don't want you to think that we can afford to pay him so that he always can dress in western tog, because that's a lot more expensive than dressing this way, but it is our Stompede this weekend, one of our major events going on, and being a good citizen . . . I'm slightly embarrassed that I'm not wearing jeans.

MR. McINNIS: How do you spell Stompede?

MS HOWARTH: S-t-o-m.

The presentation I'm making this afternoon is from the mayor and the aldermen, and we welcome this opportunity to submit our views on constitutional reform. The council, your host city, has adopted a resolution and the following positions on constitutional reform. A continued and unified Canada. Equality for all provinces. Every province is unique, and every province has its own set of problems. We must not have or allow a snowball effect where we start treating one different from another. Soon we will not be able to control anything, and then we will not have a continued and unified Canada.

Settlement of all land claims and an investigation of native self-government. We must not continue to keep our head in the sand and hope that something will be resolved or that things will level out.

The fourth one. The responsibility for leadership and setting of national standards to protect the environment should be at the federal government level. I think particularly of our sister city, Fort McMurray, where the tar sands are in Alberta and in Saskatchewan. Now, one company must have quite a problem if they're going to try to develop both with one set of environment rules for Saskatchewan and then our set.

The need to undertake regular reviews of the criminal justice system and the role of the courts, especially the Supreme Court of Canada. I am sure nobody believes that we should be spending the massive amount of money and manpower that it is costing us.

That multiculturalism be encouraged to evolve through the people of Canada rather than through government funding. If I want to have a Robbie Burns party, it's going to do far more that I make haggis and feed somebody eggs and all the rest of it than if I insist Walter wear a kilt. I'd far sooner go and have his pyrogies any day of the week. If it comes from the heart, we will do it. We cannot legislate such things; we have to do it ourselves.

3:24

True and open access to information. Nobody can communicate if we do not have honest communications.

De-emphasis of the party system. Mr. Hoag just mentioned the same thing: the party Whip telling our politicians at times you must – thou shalt – vote this way when you know it's not how your constituents feel.

A Constitution with a vision of the future, not a band-aid for past problems. Can't we have a Constitution that can keep us so we're not continually in constitutional reforms? Then we would have something strong and supportive so that we can compete in the world in the next 20 years.

The last one: a public constitutional process which allows for input.

Those are the city of Grande Prairie's 10 points.

MR. DEPUTY CHAIRMAN: Thank you very much, Alderman Howarth.

Now, the first committee member who would like to respond or question is John McInnis.

MR. McINNIS: Thank you, Mr. Chairman, Alderman Howarth, and Mr. Daniels. I think the Grande Prairie 10-point program is worthy of our study. I'd like to go on record as saying that if official multiculturalism involves Walter wearing a kilt, then I'm opposed to it.

MS HOWARTH: How do you know?

MR. McINNIS: This is speculation on my part. There has been some research, apparently, on that.

I'm interested particularly in point 4, regarding the setting of environmental standards. This is an area that I work in when I'm not part of this committee process, and I've been struggling with the question of how you set these standards, because it seems to me that if you look at the forestry issue, for example, there are people who live in local areas who have some very good ideas about what should be logged, what shouldn't be logged. You have a provincial government that tends to approve logging plans without the local people always knowing what's going on, and then you have a federal government with a Department of Forestry; heaven knows what they do.

So we're in some state of confusion, but it seems to me – I have an idea that what you're proposing is an overall vision of what's safe and what's unsafe. It could be laid out federally, but then local government and the provinces could best determine how that applies on a site-by-site basis based on their local knowledge. Am I interpreting your position correctly?

MS HOWARTH: Yes.

MR. McINNIS: Well, in that case, I'd like to endorse that position particularly.

Thank you.

MR. DEPUTY CHAIRMAN: Stockwell Day.

MR. DAY: Thank you, Mr. Chairman. Thank you, Marion. Now that you've whipped the Whip here – you made me feel really bad; I'll come to that in a minute. In point 3 you're talking about investigation of native self-government. Have you, Marion, or the folks that you work with worked at all in the area of defining self-government? Can you give us some ideas of what you think self-government should entail?

MS HOWARTH: This is my personal opinion. My personal opinion is that we have in our area several reserves very close to Grande Prairie and in the Peace River, the Grande Prairie area. In these reserves I do not see why there cannot be a municipal council that looks after their own. I also believe very strongly that they could police themselves, particularly. It's just like anytime you have me policing how fast Kelly drives and Kelly's policing how fast I drive. I'm twice as careful if I think there's the radar out there. I believe that they would police themselves far better than we can. I believe that they can municipally look after themselves. Then they would have to take responsibility, and it's not us saying, "We the white community said thou shalt"; it's them saying, "We will; we want to." I think many times it would be the same end result.

MR. DAY: Okay. I appreciate you giving us some thoughts in a couple of those areas.

In point 8 – and you've painted the picture of this Whip running around forcing people to vote certain ways. I can assure you as our government Whip that I have never done that, nor would I ever want to. I do have a motion, actually, on the Table in the Legislature which would ask for elections to be set every four years on a certain date. Now, within that, even though that's a direction I'd like to see it go, I'm still not sure of the issues when MLAs can have a free vote. Should there be any issues still within a Legislature that would bring down the government, or with the free voting, should it have an unfettered rule for four years? On what points should or could the government still fall?

MS HOWARTH: I believe very strongly that many times it puts our MLAs in a very difficult position because they know . . . Going to the federal government on the death sentence, many people knew how their constituents felt, and it was very difficult for them to vote how they felt, how the constituents felt. Had it not been a free vote, it would have been very, very difficult.

I believe that the government, once elected – we have to have the faith as constituents and keep you for four years. Maybe there's a few things. If the money situation really gets out of hand, then that could be something. I believe there are very few things, but for the four years, yes, you stay, but free votes, so people can vote by their conscience, can vote by their constituents. Then if they're voting by their conscience and not their constituents, out at the next election.

MR. DAY: Thanks, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. The first question was asked by the Whip, and I won't dare ask one on the opposite side. I'm only joking; he's a very benevolent Whip.

However, with respect to your suggestion on a consultation process for constitutional input, do you have any ideas on how that should be carried out? Are you satisfied that this kind of process is allowing for that public input, or is there some better way? I can express my concern and, I think, other committee members' concern that we reach only a limited number of people in this perspective at one snapshot in time, and that's part of the ongoing process. It's difficult for us to evaluate what the opinions of Albertans are. So any suggestion there would be helpful.

MS HOWARTH: I believe very much that this is great, this is the kind of thing. I'm here as a city, but when private individuals take the time and effort to come, that really says that that person cares. There's a segment out there that will always complain and criticize but will not take and make the effort. I believe that this does it. I was part of the Spicer commission, and I was disappointed, extremely disappointed, because I got lectured to. That wasn't what I wanted to hear. I wanted to be listened to, not lectured to, spoken down to. I believe there's a difference of day and night in communicating.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you for an excellent presentation. My question is with respect to your comments about the Supreme Court. You indicated that you felt the Supreme Court costs too much. Do I take it from that that you're not an advocate, as some might be, of enhancing those issues that would be arbitrated by the Supreme Court?

MS HOWARTH: This again is my personal opinion, and my opinion is very strongly that we are spending more than our tax dollars can afford on keeping prisoners, on putting them through the penal system before they're ever convicted or allowed to go free, whichever the case is, and that we just have to cut our costs there. It's back to living within our means, which I believe I've heard you say quite often.

MS BETKOWSKI: Okay. Your comments, then, were with respect to the criminal justice system. What about the issues of the Charter? It of course is arbitrated by the Supreme Court, and violations of the Charter go through to the Supreme Court. Do I take it that you support that mechanism and support the Charter?

3:34

MS HOWARTH: Yes.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I'd just like to draw your attention back to point 7, "true and open access to information." I just want clarification. I take it that what you're proposing is that there should be constitutional entrenchment of access to information.

MS HOWARTH: Yeah, very definitely.

MR. CHIVERS: That's very interesting. We've had quite a number of presenters that have advocated that position.

MS HOWARTH: I think there's nothing more frustrating as a taxpayer, as a citizen, than not to be able to know what goes on. It's like your child saying to you and your family, "What did you guys eat for supper last night after you put me to bed?"

MR. CHIVERS: Thank you.

I promised to be brief, Mr. Chairman.

MR. DEPUTY CHAIRMAN: You lived up to word, and I hope Pearl can be equally as brief.

MR. DANIELS: May I just add a little bit of elaboration to this comment as well? One of the things that the committee had a lot of discussion on and wanted to emphasize in this whole area of open access, true access to information – I can't remember the example where under the federal freedom of information Act a document was obtained, and in the entire document every second or third word was blacked out on the page. Somehow that didn't strike our council as being what you'd particularly call ethical or true access to information. Yes, the document was put forward, but no one could read it.

There was some need to recognize some integrity in the system and the laws we have, and that was one of the reasons they sought something that would be built into the Constitution.

MR. CHIVERS: I'd like to make a political statement, but I won't.

MS CALAHASEN: That's nice to hear.

Your point 4, responsibility for leadership for the environment, et cetera. I just wanted to know: in the division of powers would you see that the federal government should be having all the power versus the provinces not having as much power in terms of some of the responsibilities?

MS HOWARTH: I believe that we have to keep our federal government very strong, and yes, I believe it has to be very strong there, because it just makes it impossible for companies that are trying to do business over the border.

MS CALAHASEN: So that's strictly on the environment end, or are you talking about the whole division of powers?

MS HOWARTH: Personally, I believe the whole thing. No, this is talking about the environment end. If you're drilling in an oil field, if you have a lumber business and it sits on the border between Alberta and B.C., as many of them do out in the Stony Lake area, it must be impossible for those people. To have one set of engineers, geologists that are certified for B.C. and then another complete set for Alberta: what a waste of money.

MR. DEPUTY CHAIRMAN: Mr. Chumir, very briefly.

MR. CHUMIR: Thank you very much. You referred to a strong federal government and national standards to protect the environment, both of which make my heart soar like a hawk. What would you say in respect of the role of the federal government in setting standards for medicare and some of our social programs? Are you in favour of a strong national presence in those types of programs as well?

MS HOWARTH: Yes. Can I start with the federal government letting us start to have user fees? Yes, I believe we have to live by one set of rules. It doesn't really matter. Why should people in another province be able to have more or less health care? Why should they be able to have easier or more stringent environment standards?

MR. DEPUTY CHAIRMAN: Ms Howarth and Kelly Daniels, the committee really appreciates your appearance before us this afternoon for a very well organized presentation. Thank you very much.

MS HOWARTH: Thank you very much.

MS BETKOWSKI: Good luck with the Stompede.

MR. DEPUTY CHAIRMAN: The next presenter the committee would like to come forward is Mark Cavanaugh. Nice to see you this afternoon, Mark.

MR. CAVANAUGH: Mr. Chairman and panel members, thank you for this opportunity. I'm here as an individual, and I'm here primarily because I am concerned with what I see as the erosion of essential federal powers and what I believe to be the resulting fragmentation of Canada into areas of regional self-interest. I am an environmental consultant, and I work intimately on a daily basis with Alberta Environment. I believe they're doing the best job that they can given the economic and political climate of Alberta at this time.

However, when a project is being assessed in terms of its costs and benefits to society, the provincial government tends to evaluate it on a regional basis. As such, that evaluation may be biased in terms of the individuals immediately surrounding the project, whereas the environmental consequences of the project may transgress provincial boundaries. Specific examples are pulp mills, where the air effluent and liquid effluent dumped into rivers is evaluated regionally by the province but its impacts are felt in other provinces that have very little, if any, say at all in the environmental impact assessment process.

Now, the exception to that, of course, is when the projects involve federal funds. The federal government gets involved, and there is a full federal environmental impact assessment. When, however, the projects do not involve federal funds, the environmental impact assessment process can be affected by the political and economic whims of that province, and that is what I'm seeing in Alberta on a daily basis.

Specifically what I am concerned about in Alberta in terms of environmental concerns is the lack of environmental enforcement. The federal government is putting forth perhaps reasonable environmental parameters in terms of what is and what is not safe, but it is then delegating the enforcement of that to the provinces. How much that enforcement is funded by the provinces is subject to the political whims of that provincial government. In Alberta the enforcement of environmental regulations is, in my personal opinion, inadequate. The Alberta government does not have the enforcement officers necessary to ensure that the environmental regulations put forth by the federal government are adequately enforced. I believe that the federal government should be taking a greater role not only in establishing these standards but in enforcing them as well.

Secondly, in terms of fragmentation of our society resulting from this regional self-interest, I was born and raised in Quebec, educated in Calgary, and I've been dealing with, shall we say, that duality of cultures since I was a teenager. From what I gather of the people that I associate with in Calgary, they almost resent the Quebecois trying to maintain their own culture. They see their own powers or their own political wills not being granted in Ottawa, and they feel frustrated that Quebec is able to express itself politically whereas the political will of Alberta is sort of lost in the chorus of the Quebec and Ontario populations. Now, it's not something that's unique to Canada. I'm sure you're familiar with the tyranny of the majority. It is something that is inherent to a democracy, where the will of minorities tends to be suppressed or at least dominated by the will of the majorities. By isolating ourselves into small regions, into a series of minority populations, we will always be bickering amongst ourselves and trying to express our will in this democracy.

What I believe we need is a stronger federal voice, a stronger federal government that is able to help unite the country and not divide ourselves into smaller regions.

That is all I have to say today.

MR. McINNIS: I'd like to say hallelujah, brother. The question of environmental assessment and who all is involved in it is an area that's very much up in the air at the moment. The role of the federal government in projects appeared to expand dramatically after the Rafferty-Alameda decision for a period of time. Now it seems the federal government is sort of pulling back and leaving it up to the provinces to review their projects, although who knows how it's going to turn out.

Some people have suggested an amendment to the Constitution, perhaps right in the Charter of Rights and Freedoms, that would guarantee to Canadians the right to clean air, pure water, productive soils, healthy fish and wildlife, and the conservation of the unique scenic, historic, recreation, aesthetic, and economic values of those resources, and to say that it would not be lawful for governments to deprive people of those rights; in other words, kind of a constitutional guarantee of environmental protection, federally mandated. I wonder if you would support putting that in this time around.

3:44

MR. CAVANAUGH: I would support it in principle, but in practice I wonder how we could implement such a program. We must accept some level of environmental degradation in order for industry to survive. In order for a pulp mill to exist, for example, it must produce some effluent. How can we guarantee people's right to a healthy environment when you know there will be some effluent produced?

MR. McINNIS: Well, have you heard of pulp mills that don't produce any liquid effluent?

MR. CAVANAUGH: Yes. Have you heard of any being implemented?

MR. McINNIS: There's one at Meadow Lake in Saskatchewan. There's one at Chetwynd in British Columbia.

MR. CAVANAUGH: Notice they're not in Alberta.

MR. McINNIS: No, not in Alberta.

MR. CAVANAUGH: Thank you. That is why I think the federal government should be more involved in the environmental assessment process. How come those types of pulp mills are being built in other provinces and not in Alberta? It's because of the political will of our provincial government.

MR. McINNIS: I'd like to answer the question, but I won't.

What I hear you saying is that you're not certain we can guarantee no degradation of our environment, but you do feel a strong need for national standards because of the wide-area implications of projects.

MR. CAVANAUGH: Precisely. On your point with the alderman that was brought up previously, I am concerned about the federal government establishing standards and then the regions enforcing them, simply because the regions may be more concerned about economic or political concerns and not about long-term environmental or health concerns.

MR. McINNIS: On the question of enforcement, as long as it's a question of the political will of individual governments to enforce or not enforce, then you're going to have a standard. Can you think of any other way to do it to get away from the problem of there having to be a political decision to lay charges or not?

MR. CAVANAUGH: No. That is the quandary, is it not, the dilemma we're in? I believe that at least the federal government has the Senate established as a body of sober second thought. Now, given that there may be difficulties with the Senate, we hopefully can resolve those, but the provincial government does not have a similar body. Therefore, we tend to be subjected to one provincial government and then, after the next election, a totally different perspective. We don't have that ameliorating force that sort of helps minimize those fluctuations in political will.

MR. DEPUTY CHAIRMAN: Thank you.

Dennis, followed by Sheldon.

MR. ANDERSON: Mark, some interesting points. I think you've made some good ones with respect to the effect of certain projects on parts of the country, where a river moves between boundaries, for example. That's a reasonable one and does speak to some possible need for standards that take that and the macro issue there into account.

I'm confused a little, though, by your strong support for federal involvement on the basis of political whims or economic areas. Our readings may be different and our perspectives on history different, but certainly across the country where there have been various standards, we can point to quite a number which would be in the local interests of other areas but where also the federal government may have a local interest. I mean, what will stop the federal government from determining that a certain kind of development to speak to the majority vote they have in one part of the country shouldn't take place as a result of those jobs versus those in another part of the country? What makes political judgment so much better at the federal level than at the provincial? I freely admit that both are subject to the influence of citizens, which can be, you know, jobs before environment in some instances, and that's something we have to guard against generally. I'm having some difficulty in seeing where, because of the decision-making at a federal level, we would be in a better spot. We believe our standards to be highest here. That can be arguable, I suppose, depending on the area. In what way would having only federal establish better standards?

MR. CAVANAUGH: Thank you. It is a superb question. First of all, I want to acknowledge that I am slightly nervous and do tend to talk rather fast and not elaborate on the points I'd like to make.

I believe the federal government was established with the Senate to provide, as I said earlier, a body of sober second thought. It is a way of dampening the fluctuations in political will over time. So when one government goes in and wants to, let's say, reduce air effluent standards, the Senate may be the second body in there that can reconsider that legislation and perhaps ameliorate or at least dampen those fluctuations from very strict standards to very lenient standards. The Senate, at least in principle, would be there to try and at least dampen those fluctuations over time.

MR. ANDERSON: So you would see the Senate as the safeguard. Many Canadians, I would dare to say the vast majority, would suggest that the Senate would not provide that service at this point in time. Would you suggest a house of sober second thought for provinces in that regard, a bicameral system like the United States? Is that really your submission, or is there something else integral to a federal government that gives them a superior perspective on the issue?

MR. CAVANAUGH: Given the transboundary or at least transprovincial boundary transportation of effluents, I believe the federal government should play a role. In cases where there are transprovincial boundaries of concern in areas where there are regional impacts, I think federal standards should still be applicable.

MR. ANDERSON: I couldn't disagree with that. There needs to be some transprovincial [inaudible].

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. I assume you heard some of the discussion that ensued earlier with respect to the role of the federal government in establishing national standards for health care, social programs, and possibly education. You obviously have a very strong view in favour of a federal role with respect to the environment. I'd very much appreciate your input and assistance on how you feel we should go with respect to these other issues.

MR. CAVANAUGH: Yes. Thank you. I do believe the federal government should be playing a stronger role in health care, education, and similar areas of social service. I believe education standards should be set Canada-wide currently. Does that answer your question?

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: I want to know whether or not your view under environmental concern is that it becomes a federal jurisdiction and the guidelines then get passed on to the provinces in order for them to enforce those particular guidelines. That's the present situation now. You're saying that although the Alberta government is doing as much as it can, it does not have enough numbers to be able to do the enforcement aspect?

MR. CAVANAUGH: That's precisely it. Actually, there are two points there. Number one is that they should not be guidelines; they should be regulations. Guidelines are negotiated with industry, and in Alberta specifically environmental guidelines are established with industry standards currently available, not what is necessarily best for the environment but what is best for industry.

MS CALAHASEN: So in terms of setting the regulations, you're saying that if provincial regulations are set, the federal government should be the central body in terms of what kinds of rules should be coming down to the province?

MR. CAVANAUGH: Yes, and I think the provincial government should be setting at least the minimum standards. If regional interests dictate more stringent standards, then perhaps the regions can enforce them, but there still should be federal enforcement.

MS CALAHASEN: So you're saying, then, that a central government should be able to deal with a certain issue in terms of a whole and then the provinces do what they should be doing in regulations to be able to meet the conditions or the concerns of the individuals within that province.

MR. CAVANAUGH: Precisely. As it is now, there are regional standards within the province, and municipalities can have more strict . . .

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell, briefly, please. We have just a little time.

MR. DAY: Just on a similar line, Mark, so you can help me in terms of understanding if we need more of a shift to the federal side on environmental enforcement than we have now. You mentioned the enforcement of environmental regulations is inadequate and is a problem. Can you help me with that argument by giving me an example of a case where a federal environmental standard is higher than one the province has and also is being violated?

MR. CAVANAUGH: No. As it is now, the Canadian Environmental Protection Act mandates that provincial regulations be at least to federal standards. What I am saying is that in Alberta the provincial enforcement of those regulations is inadequate, and that is a political whim.

3:54

MR. DAY: Okay. That's what I'm asking for. Can you give me an example to show me where we need the muscle of a federal standard which is higher than our provincial standard and is not being enforced provincially?

MR. CAVANAUGH: The examples I know of would be confidential, because I'm a consultant and work for clients who do not necessarily implement clean-up programs because of economic constraints. There are, I believe, two environmental enforcement officers in Alberta for all of Alberta.

MR. DAY: So you can't publicly give examples. But you would report that, would you not?

MR. CAVANAUGH: To the client.

MR. DAY: And if the client wasn't following through, you wouldn't report . . . So that's not a case, then, of a provincial agency not acting. You're withholding information, or somebody's withholding information.

MR. CAVANAUGH: Well, we make recommendations that it be cleaned up, for example. Being an engineering company, there are ethical standards that we have to report that; yes, definitely. That then depends upon industry enforcing itself. When there are economic constraints, they may postpone cleanup for some time.

MR. DAY: So that's industry as opposed to government. Do we need a mechanism there to require that that would get reported somehow, that you would be given the liberty to do that? Do we need to build that in?

MR. CAVANAUGH: I'm not a lawyer. I couldn't really make that legal interpretation. I believe there should be some clarity in that area.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, Mark.

MR. CAVANAUGH: Thank you.

MR. DEPUTY CHAIRMAN: Our final scheduled presenter this afternoon is Olive Stickney.

MS STICKNEY: I notice my time is up, thanks to the environment, which I am trying to protect, so I won't say any more.

MR. DEPUTY CHAIRMAN: Well, welcome to our table, Olive.

MS STICKNEY: Thank you. Good afternoon, ladies and gentlemen. As you've already heard, I'm Olive.

I thought I might begin by passing out what I'm going to say, because you'll all be anxious to hear the last of me. I had quite an experience with the Keith Spicer group. I discovered in this technological age they couldn't have any equipment to really hear what I said but insisted that they interpret what I said. I can interpret everything that's been said this afternoon, but you might not recognize it when I interpret it.

Anyway, thank you for this opportunity. The only other remark I'd like to make is that when the Spicer group went to Manitoba, I noticed one of their high-priced people went to hear what senior citizens had to say and publicly made the statement: we went to hear what they had to say about the Constitution, but we found they didn't understand. So just briefly, what I'm going to do is talk about the Alberta we knew and the changes – and I'm sure you're all familiar with what I'm going to say – that have been taking place so we hardly know the Alberta we used to know. I'm going to give one suggestion that I think is only reasonable to settle what happens to our Constitution.

There was a time when we were proud to be Albertans within the framework of Canada. Patriotism was more than a word in the dictionary. It meant that we as Albertans and Canadians were proud to love and to support our country. We accepted the challenge to build up, not to tear apart. We were free, prosperous, and happy. We stood at attention, saluted our flag, and sang: "O Canada! Our home and native land! O Canada, we stand on guard for thee." Step by step we have let the guard down. We were taught to love the Union Jack. When we lost that symbol, we didn't threaten to leave Canada. I remember taking my family to Expo in 1967. The other day I came across part of the scrapbook my daughter had assembled on that trip and read what she had written:

> In going to Quebec City we chose the scenic route. It was beautiful. All along the way there were repair crews out painting fence posts, railing and making repairs to impress de Gaulle. This

> was fine! However, when Mother discovered that the huge flyboard flags were being put up on every telephone pole, alternating the Quebec fleur-de-lis with the French flag, she grew a little angry.

All along the route there was not one Canadian flag, but we didn't threaten to leave Canada. However, the disdain for the flag of Canada was very upsetting.

More recently, there has been a series of events, and I'm sure you're familiar with each one: Quebec, in spite of a ruling by the Supreme Court of Canada, overruled and legislated one-language signs; the recent insult to the Queen of Canada; the refusal of that one province to place the flag of Canada in the legislative Chamber, while other provinces display our flag near the Speaker's Chair or outside the parliament or both; enforced bilingualism across Canada; the nearly $400 billion debt; the absurd structure of the GST; the chilling fact that our young people spend one-half of each year working free for the government of Canada to pay taxes that in turn are often wasted. Still, we didn't threaten to leave Canada. Then came Meech Lake. The polls told the story. The people of Alberta refused to support the distinct society and many other aspects therein. These sentiments have not changed. It would be wise for the decision-makers in Alberta to take note.

We could liken the union of our provinces to that of a family, a family with 10 sons or daughters. As often in a family, there is one spoiled child. This appears to be the case in Canada. First in Meech Lake and now again we, the other provinces, are told: "These are our demands. We will not negotiate. We will deal only with the father of the family. We refuse to sit down at the table with our sister provinces. Our question is, what will you offer us to stay in Canada?" The answer should be, "Only as much as we give the other members of the family."

Those of us who have been involved in municipal disputes know that both sides must be willing to compromise to negotiate; otherwise, we have a stalemate. The difficulty with the spoiled son is that when Alberta and the government of Canada give in in one area, the demands never cease. We've been watching the game played by government for some time. The governments of Canada, no matter what political stripe, appear to be willing to capitulate in order to retain power. In other words, they would sell out Canada and the rights of the other provinces for power.

Representatives of the government of Alberta are in Grande Prairie to now ask us for input. Our answer is: do not sell your own citizens short in your desire and haste for unity in Canada. This time do not give one province advantages that the other nine provinces do not enjoy. Tell the separatists to choose: do they wish to stay or do they wish to go? During the approximately three years it will take the government of Canada – with input, we hope, from the provinces – to divide the assets and the deficits of Canada, there should be time for the separatists to have some sober second thoughts.

4:04

For instance, what will be fair? Should Quebec pick up 18 percent or 26 percent of the national debt? There are other considerations, and these are some of them. No longer would our federal government pour into Quebec $2 billion every year in transfer payments over and above what Canada collects from that province in taxes. No longer would Quebec, and in this case Montreal, headquarter CN Rail, Via Rail, Air Canada, and at least 50 other of the largest Canadian corporations; example, Canadian Pacific and Bell Canada.

Small wonder top Quebec business moguls, like the chairman of the BCE telecommunications conglomerate or the head of the giant power corporation, are opposed to separation. They are speaking from the pocketbook, not from the heart. Paul Desmarais went as far as to admit, "We as Quebeckers have thrived and can continue to thrive inside Canada." Both attest to the flourishing state of the French language and culture across Canada – we might add, however, at the expense of Canadian taxpayers, especially those in Alberta, B.C., and Ontario. They even voiced the afterthought, "How would separation affect future relations with other provinces, which represent our major markets?" Thankfully Premier Getty reminded them of that.

Before the assets and the deficits of Canada are divided, we should still leave the door open. Reality is a rude awakening. Quebec may choose to come back. Again: their choice. They would, however, come back to a Canada where there is equality of provinces and equality of citizens.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Olive.

Dennis, followed by Nancy.

MR. ANDERSON: Thank you, Mr. Chairman. Olive, thank you for that well-articulated and very strong presentation. I don't think there's any question about what it is you feel should be done. I guess I would only ask: if the provinces are able to agree on a framework for Canada that would meet the best interests of Alberta, Newfoundland, and Quebec at the same time, would that sound to you . . .

MS STICKNEY: My answer is: you'll never do it.

MR. ANDERSON: You'll never do it.

MS STICKNEY: You'll never do it.

MR. ANDERSON: Do you believe we should try?

MS STICKNEY: Certainly. Everything is worth trying, but I'm predicting – and I believe I'm right – that you will never do it because there can be all kinds of dealing under the table, and that's what happened before.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Yes. My questions – there are two and they're both related. The first is: do you have any hope for a united Canada?

MS STICKNEY: For a united Canada? I have said – and I think it's the only solution – that you can bribe people to stay in Canada, but in the long run it won't pay off. I think it has to be a hard decision. Do we want to stay in Canada? I think we're given the God-given right to choose in life, and I think a province should have the right to choose, and it should be put to them that way.

They know Canada. They've helped to mold it, but I see no reason why – for instance, my mother came to the Peace River country in 1916. Her husband was left behind because he was ill. She was one of the only women I know that came to this pioneer country and did her share to make Canada. Why should she not be as distinct? Why should the Indians not be as distinct? As soon as you start classifying people, you lose

Canada. We've had all kinds of Ukrainians and Germans and Norwegians. In fact, Leif Eriksson came in the year 1000 and established a little toehold here. Before that the Vikings went to France and to England and left good Norwegian blood. So I think some of their blood was here in the early days too. You know, let's be reasonable. No one is distinct, and no one should have any benefits that the rest don't have.

MS BETKOWSKI: It begs the question, then: should Quebeckers have the right to speak and learn French in their own province?

MS STICKNEY: In their own province, certainly.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. I don't know whether you heard the earlier discussions with respect to centralizing versus decentralizing and national standards.

MS STICKNEY: I heard it. I heard them all. This was a question that was asked more than any other.

MR. DEPUTY CHAIRMAN: Sheldon does it, and they'll never hear the end of it.

MR. CHUMIR: Well, I ask it because it is the main question. The reason we're having these problems is because Quebec wishes to claim most of the powers for itself, and many Canadians are concerned about whether we'll have a nation left if everything goes to the provinces and we think of ourselves as provincial residents rather than Canadians. It's very fundamental that this committee get the guidance of Albertans on that question above all else, so I'd appreciate if you could tell us what you think in that regard.

MS STICKNEY: Your question is?

MR. CHUMIR: Basically, should we be transferring existing powers, particularly with respect to medicare, whatever social programs, perhaps, you know, education? Should there be a strong federal presence in these in terms of setting standards, or can we just leave it to the provinces and let them get together and agree?

MS STICKNEY: I think my answer there is: in a family does one son go his own way? Because if they do, they pretty soon go out. Then maybe in the end they have to come back when they find out it isn't as good out there. I think the question really is – you know, I believe that you have to have standards in Canada. However, I've been in municipal government for 20 years, and all I have seen has been duplication. I think the real question is: once there are standards – and I don't think that's the most important thing – I think: how do we, then, carry them out so there isn't duplication? Because we've wasted maybe some of the billions that we're in debt just having duplications.

MR. CHUMIR: Let's agree that we don't want duplication, but I'm still not clear on that very vital central question: do we have to have the federal government in there establishing these standards for us or can we leave it to the provinces, as some wish to do?

MS STICKNEY: I think it's very dangerous to have the federal government in there, because if we've been reading the papers lately, we see how in one case a standard is a standard and in another case it isn't a standard at all.

MR. CHUMIR: I'm not sure whether you say – what do you mean by "dangerous"?

MS STICKNEY: It's dangerous. I think it's very dangerous. Someone talked about the whims of the provincial government; I'd like to talk about the whims of the federal government. They're even whimsier than the provincial government. They can put all the standards they like, but they can bypass them.

MR. CHUMIR: Are you saying then: should the federal government be setting the national standards for health care as they do at the present time?

MS STICKNEY: I guess I'm of two minds, because I've seen that work in both ways. I guess I'm not wise enough to just categorically state, "Oh, these standards should be put there by the federal government," because I've seen how they can bypass standards, you know. Maybe there are some certain things that have to be legislated, but the government near the people, by the people meets the local needs, and sometimes someone sitting in Ottawa collecting $400 billion – even when they said, "Well, elect me again, and I'll orderly bring down the deficit," they doubled it.

4:14

MR. DEPUTY CHAIRMAN: On behalf of the committee I'd like to express our appreciation for a very clearly delivered presentation.

MS STICKNEY: I may be here again to see what the other half of the population is saying. Maybe I'll change my mind about many things; you never know.

MR. DEPUTY CHAIRMAN: You're certainly welcome to come back.

Now we move into the unscheduled area of our meeting, and the first presenter who has expressed an interest in this area is Mr. Jeff Chalifoux. I'd ask Jeff to come forward, please. Very good, Jeff. Sit down, and welcome.

MR. CHALIFOUX: Thank you, Mr. Chairman, members of the committee. It's nice to see you, Pearl. First of all, I'd like to express my gratitude for hearing me this afternoon although it was unscheduled. I want to express not my ignorance but my lack of understanding on this jurisdictional issue in the Charter between Quebec and the federal government and the rest of the provinces. My interest today is very specific to Metis people. I just want to go over some points with the committee at this point in time.

First of all, I want to express to the committee and to the people listening here that I am very proud to be a Canadian. I also believe that every Canadian should have equal rights and privileges. However, Mr. Chairman, while the majority of Albertans and Canadians can enjoy and benefit from these rights, the majority of Metis people in this province are restricted from benefiting from or exercising these rights because of linguistic, cultural, educational, and economic barriers. This is one of the reasons why the rights of the Metis people must be recognized, negotiated, or defined, and entrenched in the

Charter and in the Constitution. This process, I think, must be a part of any reform or any amendments to the Constitution.

While aboriginal rights have been recognized in the Charter, the Metis people are still wondering what those rights are. The Indians and land set aside for Indians are protected by the Canadian Charter. Metis people are still wondering where their rights are. There seems to be an imbalance or an inequity in the implementation or in exercising those rights afforded by the Charter. What should those rights be? Again, I think this has to be a negotiated thing. I have to go back into a little bit of history. In the words, I understood, of Mr. Lougheed, former Premier, and Mr. Getty, the Premier now: let's make an Alberta-made deal. I think this process allows for that. What should those rights be? I think the right to self-determination should be one of those rights, a very general statement; the right to land for Metis people. I think the cultural, the linguistic – the language must be protected under the Charter. We need to maintain an identity within the Canadian context and not in a melting pot.

Mr. Chairman, the avenues of negotiating these rights have come to a close through the First Ministers' Conference. While the provinces and the federal governments are negotiating jurisdiction, the Metis and Metis rights are again left out. Someone somewhere must take the responsibility and quit using the Metis as a political football in the jurisdictional dispute. First of all, we are Albertans, we are Canadians, and we are Metis.

In conclusion, I must emphasize again that before any reform or any amendments are made to the Charter, Metis people and their rights must be dealt with. Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Yes. Pearl?

MS CALAHASEN: Thanks, Jeff. I just wanted for clarification, Jeff, under the Bills that we put through – 33, 34, 35, and 36 – dealing with the Metis people of Alberta. In those particular Acts we are dealing with a number of the issues that you brought forward because that was the only way that we could deal with those particular rights. I think it was the first province in Canada to be able to do that. The question that I have – and I have a number of questions – is that you were saying that although that's been taken care of and we even dealt with the land issue, it should be entrenched under the Constitution, under the Charter. Alberta has done its job, but now you're saying, then, that it should be dealt with under the Charter. Is that to be one step further?

MR. CHALIFOUX: Not to sort of knock down the deal that the Alberta government made with the federation of Metis settlements, my understanding was that that deal was made because of a lawsuit that the Metis federation had with the provincial government. It had nothing to do with rights. In Bill 35, as I understand it, the first statement that is made is that this Bill would not derogate from any Metis rights accorded in the Constitution.

MS CALAHASEN: True. I think that when we're talking about the Bill in terms of why it was initiated, there was the lawsuit that was involved. However, there was also the notion that the Metis people were the ones who negotiated those Bills, and they were the ones who wanted to make sure that the land issue was taken care of, that the self-government was taken care of. When you look at the Bills, the land issue was taken care of, where there was some 1 million acres that was given to the Metis people, which was to be able to deal with the people in terms of the land issue. There was also the issue in terms of self-government, which is a form of self-government that has never been enacted anywhere in Canada. I think those are the two main ones that the Metis people did.

As you probably realize – you know more about Metis history than I do – when we're dealing with those particular issues, the Metis federation was formed as an arm to be able to deal with the legal issue versus dealing with representation of the people. They were just an arm to be able to enact a legal suit for the Metis Association, and now that group is basically the group who can stay on the land. Then we have the Metis Association, which is supposed to recognize all Metis people throughout the province of Alberta. Along with that there is that whole business of what we call the framework agreement, which is to deal with off-settlement Metis. In your view, then, are you saying that not all Metis are being taken care of relative to the self-government aspect and relative to the land issue and the land claims settlement?

MR. CHALIFOUX: Yes, Mr. Chairman, to Pearl. First of all, let me stress to you that approximately 10 percent of the Metis people live on settlements and 90 percent live outside settlements. The land issue certainly was negotiated through the federation. My understanding is that the Metis Association wasn't part of the negotiations in establishing Bills 33, 34, and 35. They weren't part of that, although in the end we did agree to it because the Metis people on the settlements voted overwhelmingly to make that deal. There are still, from the numbers that we have, approximately 60,000 Metis people off the settlements who are not being looked after.

4:24

You mentioned the framework agreement, and I just want to comment on it. I think it was quite ambitious of the provincial government to enter into that kind of agreement. We are only starting to take advantage because it came from the top down and it's still stuck somewhere in the middle at the mid-management level. So what happened on top and what's happening on the bottom, they're not connecting as of yet. In saying that, I think that's a first step to self-determination, but there needs to be a road taken or a vehicle taken in order for those things to be entrenched in the Charter.

MS CALAHASEN: In the Charter as it sits now.

When you're talking about self-determination and self-government, you're talking about a recognition of the Metis people in a self-government situation, right? To be able to get self-determination?

MR. CHALIFOUX: Let me put it this way, Pearl. I think the Metis people and the powers that be need to empower Metis people to do things for themselves. Okay? They need to run or manage or deliver their own social services, their own housing, their own social programs so that we can bring them out of the jails and bring them in as contributing members to society.

MS CALAHASEN: So that's the self-government aspect, that you think they should be able to delegate or at least be able to determine what happens relative to those services that they have to deliver.

MR. CHALIFOUX: Absolutely.

MS CALAHASEN: So that form of self-government is what you're after.

MR. CHALIFOUX: Yes.

MS CALAHASEN: So some sort of a definition must be sought in order for us to be able to deal with that particular kind of thing.

MR. CHALIFOUX: Yes.

MS CALAHASEN: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Just to pursue that a bit further, Jeff, and I won't be long. You spoke of entrenchment of both cultural and linguistic rights. You're speaking of entrenchment in the Constitution of those rights?

MR. CHALIFOUX: Yes.

MR. CHIVERS: Now, what's your position with respect to the situation in Quebec with regard to entrenchment of cultural and linguistic rights in Quebec?

MR. CHALIFOUX: This will have to be a personal point of view and not from the people that have asked me to speak.

For my personal point of view, I think every Canadian should have the right to speak their mother tongue.

MR. CHIVERS: Now, in terms of constitutional entrenchment, is that your position, that everybody's mother tongue should be constitutionally protected?

MR. CHALIFOUX: Oh, absolutely. In saying that, though, the language of the majority should also be recognized in terms of trading and in terms of doing business and in other aspects of communication with the rest of the country.

MR. CHIVERS: Well, let me approach it in a slightly different way, in terms of the Official Languages Act. What is your view with respect to the merits of the Official Languages Act?

MR. CHALIFOUX: You're asking me a question that . . . I have very limited knowledge of the Official Languages Act.

MR. CHIVERS: Okay. And bilingualism at large?

MR. CHALIFOUX: Well, it should be multilingualism.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you. We all supported Bills 33 through 36 for two reasons, one being that it was the only approach the Legislature was confident to take because we can't change the Constitution of Canada by ourselves; and secondly, because it was supported by the people in the communities. But I hear the thrust of what you're saying is that you would like to see those rights embedded more deeply in the Constitution of Canada, which I think is a problem for all aboriginal people, not just Metis. Am I reading it correctly?

MR. CHALIFOUX: Uh huh.

MR. DEPUTY CHAIRMAN: Thank you very much, Jeff, for your participation in this process.

MR. CHALIFOUX: All right. Thanks.

MR. DEPUTY CHAIRMAN: The committee would next like to invite Ivo Noga, who's indicated a desire to make a presentation. Welcome, Ivo.

MR. NOGA: That desire came about about half an hour ago, so this is very impromptu and I am not prepared as thoroughly as the other people. My credential is that I am of immigrant stock. My first language in Canada was French, and now I'm English-speaking; therefore, I'm about one and a half persons. I've never been a woman.

I address you as the fathers of Constitution, and although originally I wanted to start that jokes against mothers-in-law should be banned constitutionally, I would rather address the whole matter of Constitution from a different point of view, which is that I think anybody who's putting together the Constitution should first seek the wisdom.

I've come from a country which was until recently governed by the Communist regime. We had a perfect constitution. Anything and everything was entrenched in it. There was full equality of access to health care, Ms Betkowski. There was complete equality as far as education is concerned, and everything that constitution produced was a very unhappy society and population. After 40 years of Communism the initiative was stolen away, taken out of people, and now there is a government there who has no idea what to do with the country. The country is for sale, by the way.

I think that the Constitution should be as vague and as hazy as possible. I personally liked the most – and I am coming right out of the Stone Age – the BNA Act, because it didn't say anything. It was left to the legislative process, for which the people had the control. With the new Charter of Rights we have it in the hands of the judiciary process. Nobody's elected, everybody's nominated for life, and, surprisingly, what we want is more and more of this tremendous burden that we have. Of course, the judiciary have accumulated tremendous wisdom and they have tremendous expertise, but again people in the street, and I am one of them, somehow have no idea where that wisdom comes from, because many of the decisions of this highest body go contrary to what I've ever believed and what many of my countrymen believe. So I think if we start to get into constitutional entrenchment of these rights and these rights and these rights, we will get a very big document and especially a very useless document. I think the basic rights are actually very simple, and they could be put in a few sentences.

Once we start to elaborate more and more, we will get into more and more trouble, because we might entrench a few rights now, but in the next round of the Constitution we will have other rights to entrench and other rights entrenched. My mother tongue is not English or French. I've never found Canada a place where I cannot speak my own language. There is only one province in which I cannot speak my own language, and that's Quebec. Even though the majority of Canadians think that Quebec somehow is being penalized and in Quebec people hardly could speak French, in Quebec nobody can speak anything else but French.

4:34

These are basically my reflections, and looking at the Constitution, looking at these things, I think the leaders of the country have to take into account human nature. What is the main thrust of what we want to have entrenched in the Constitution? I suppose it was quite evident today; you've been hearing about 50 mutually exclusive alternatives, so of course you cannot possibly entrench them all in the Constitution. As far as the entrenching of the Constitution, I would like that the population would not have to entrench in the trenches.

MR. DEPUTY CHAIRMAN: Thank you for a very perceptive presentation, Ivo.

Mr. Day.

MR. DAY: Thanks, Ivo. I especially appreciate the insight you have, coming from another country, another situation. It helps us to reflect on our own, hearing from you. You didn't mention the country you're from, and that's fine. But one characteristic of eastern European and Soviet types of arrangements is a very strong central government. We see in the Soviet Union where provinces are wanting to move away from that because their philosophy in the outlying provinces is so different from the central government's. Has that affected your thinking now in Canada in terms of provincial jurisdiction versus federal jurisdiction?

MR. NOGA: Yes, Stockwell. I even know where I'm coming from. As I said before, I'm coming from the Stone Age. I am for such thorough decentralization that none of you have dreamed of.

MR. DAY: Don't be too sure.

MR. NOGA: I would decentralize, for instance, the schooling in Canada, not to the federal government, not to the provincial government, but to parents, because I believe that the parents know what is best for their kids. I would decentralize the majority of services to the users, because however noble it sounds that to drink milk is better than to drink beer, I still believe that the people who drink beer should not be penalized and their money transferred to those who drink milk. Does that answer . . .

MR. DAY: That answers very clearly. Thanks.

MR. NOGA: But, as I said, I like to hear what you say; therefore, I will support you, yes, of course. The provincial government is closer to me than the federal, especially in matters of distribution – I won't say of wealth but distribution of debt.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: I wanted to thank you for your very sobering thoughts. I think you've brought us right back to one of the fundamental premises from which constitutional debate stems, and that's the discussions between the virtues and merits of written and unwritten constitutions. I think you're quite right to point out to us that we have to be very careful that we don't place too much reliance on the written document. To the extent that there is a written Constitution, we've got to be careful to ensure that the principles that we encompass within its scope can apply over a long period of time. So I'd like to thank you for bringing us back to that very fundamental purpose and objective of this discussion.

MS CALAHASEN: Refreshing ideas. It was good to hear.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Mr. Chairman, my other two colleagues have really addressed the comments that I wanted to address, but I would want to underline them I think. The fact that you decided a half hour ago to make a presentation to us is extremely helpful to us. The perspective that you come from is one that I think we often forget amidst our desires to build into our formal structures such as the Constitution all of the possible protections we can give to people. You have reminded us that those protections don't always flow from those written words and that because a court has to interpret them, they in fact can cause some difficulties as opposed to giving us some benefits.

I'd like to echo the thanks of other members and say that I think yours is one of the most important presentations that we've had to date, because it does remind us of that other perspective and remind us in a very direct way.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Ivo.

Are Fred and Bill Nobbs still with us? If not, the committee will invite Lauraine Howatt.

It's nice to have you with us, Lauraine.

MS HOWATT: My button says, "A woman's place is at the constitutional table."

MR. ANDERSON: An advisory council button?

MS HOWATT: An advisory council button, yes.

I'm a small businessperson in Grande Prairie and do have some definite ideas as to what I'd like to see this country be. I ran through the outline in the book, so I'll make it very short and sweet.

As to the system, I do support our federalism system; however, with no special status for any one region, province, or group. Within this renewed federalism and in order to develop freer trade across the nation, consideration of economic associations should be given a high priority. Within the federal systems and the Supreme Court, it not only should represent our regions but also be representative of the population of this country, 52 percent of which is women.

The Senate, if it is to remain an appointed body, should accurately reflect the population of the country as well as the regions. This is something that we're not getting: the interpretations from these bodies that truly reflect the population.

On responsibility sharing, we must maintain a strong central government to avoid a patchwork effect. An example is health. Leave the spending power with the federal government, under which the federal Parliament is able to set up conditions upon which provinces receive funding to help pay for medicare. This maintains universality and accessibility, prevents doctors from extra billing and provinces from arbitrarily deinsuring certain medical procedures.

Jurisdiction over marriage and divorce should also remain with the feds. If this were shifted to provinces, it's likely that different grounds would be available from province to province. There would be forum shopping and all the incumbent other legislation that goes with it.

Further, rather than talk about greater decentralization from the national government to provincial, one could also make strong arguments in favour of a power shift in the other direction, since with the general movement towards globalization in many areas of our lives, such as free trade and protection of the environment, the current direction of our constitutional negotiations may be flowing the wrong way.

In areas such as health care, postsecondary education, and the provision of social services, arguments based on efficiency, uniformity, and universality may all support rationalization of the present distribution of powers. In a way, that would see an accretion of constitutional jurisdiction to the national Parliament. It is only through such a constitutional reorganization that we will be able to assure ourselves that everyone has the right to share in and benefit from basic services which will guarantee a minimum quality of living for all Canadians no matter where we live.

As to the Charter, the notwithstanding clause in itself should be removed since it has been used to create a patchwork effect and can be used again; example, Bill 101 in Quebec. With respect to the Charter governing relations between private persons, I do not believe this is the place for that.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Dennis.

MR. ANDERSON: Mr. Chairman, this sounds like a prelude to the presentation from the Advisory Council on Women's Issues, which I've read and which we will hear later this week. I appreciate some of the points. Just for clarification, with the representation in institutions by population, I assume you were referring to male and female when you talked about 52 percent. How do you foresee that happening? Do we restrict anybody who is not female from representing certain areas and not male in others? How would you go about that?

MS HOWATT: Well, at present my understanding is that as was originally put in Meech Lake, the provinces could put forward names. I think it's incumbent upon those people putting forward names to search out qualified aboriginal, immigrant people, and women so that their views are actually reflected in decisions that are being made about the country.

MR. ANDERSON: Would you add handicapped?

MS HOWATT: A disability? Yeah. Disabled people as well.

4:44

MR. ANDERSON: And every other interest group: Italian, Danish people like myself, and so on.

MS HOWATT: I'm talking about the makeup of our population, which is comprised of . . . Well, at the moment it appears that there are not too many women, but they are 52 percent of the population. The aboriginal people are 2 percent of the population, and these are the special groups who have been given attention within this country.

MR. ANDERSON: Apart from allowing the citizens to choose through elected representatives in the appointed positions, I guess I'm just trying to figure out how we would ever do better than nominating those we felt most able to serve, regardless of where they're from, how we would ever deal with that makeup overall.

MS HOWATT: Not on a quota basis. I mean, that's not what I personally believe. But I think the solicitation of these people must be there.

MR. ANDERSON: You're just saying, then, that we should be more cognizant of that.

MS HOWATT: Aware. Yes.

MR. ANDERSON: That's fair enough.

I guess the only other question is really with respect to the entrenchment and the notwithstanding clause. Do you have enough faith in the Supreme Court appointed for life and unable to be changed – or until age 75, the Chairman reminds me – that you would not want any safeguard on how they interpret those rights, in what way they put it in? I think of the previous speaker's presentation, where rights have been interpreted with longer lists in different countries, not always to the benefit of the individual.

MS HOWATT: I think the Charter cases that have been brought forward since the implementation of it have been to the benefit of society as a whole. I think we have people who are sitting there making these decisions who are not influenced by outsiders but do bring their own personal biases to bear, and that's why I think it's important that the population be represented there.

MR. ANDERSON: I guess I heard both sides there. They have personal biases, and they can't be changed by the population. I suppose the positive side is that they're not subject to whims of change either.

Thank you.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Mr. Chairman, do we have more presenters this afternoon?

MR. DEPUTY CHAIRMAN: Yes, I think we do.

MR. McINNIS: Well, in that case I'll pass.
Thank you for the brief.

MR. DEPUTY CHAIRMAN: No, we're not finished.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Just before Sheldon got caught in the updraft here and got carried away, I wanted to say that my heart is soaring like an eagle on the same updraft.

I'd just like to canvass with you your views. One of the topics that many people have spoken of this afternoon is constitutional entrenchment of environmental rights. I'm wondering if you have any views on that subject.

MS HOWATT: I'm afraid I'm like the last speaker: I don't think we should be entrenching anything more in the Constitution; we should be looking at our power sharing rather than providing more rights anywhere.

MR. CHIVERS: Where would you think that the authority should lie with respect to the balance in environmental areas?

MS HOWATT: With respect to the environment, I think that should be a federal responsibility.

MR. CHIVERS: Thanks.

MR. DAY: I just have a quick question, Lauraine. I may have missed it in your presentation. In terms of the makeup of the Senate, are you advocating an elected Senate? I'm sorry; you were talking about institutions and selecting people for them, but in terms of a Senate do you prefer the Senate as it is, an appointed Senate, or an elected Senate?

MS HOWATT: I'm simply saying that I'm not offering an opinion as to any changes. I'm just saying that if it is to remain as it is, I think it must be reflective of the population.

MR. DEPUTY CHAIRMAN: Thank you very much, Lauraine.

The Chair has noticed that Fred and Bill Nobbs have returned. Do you desire to present?

MR. NOBBS: No. We wanted to listen.

MR. DEPUTY CHAIRMAN: Okay. That being the case, we have heard our presenters for this afternoon, and the committee will stand adjourned until 7 p.m. this evening.

Thank you very much to all those who presented to us this afternoon, and thank you for your co-operation along with members of the committee in getting through our work this afternoon.

[The committee adjourned at 4:50 p.m.]

7 p.m. **Tuesday, May 28, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. It is 7 o'clock, and we do have an almost complete list of presenters for this evening's proceedings. We would like to welcome all those who are present in the room today, particularly our first presenter, Gerry Hachey. It's nice to see you again, Gerry.

We had a very busy afternoon, and it looks like we're going to have a full evening. The Chair had to be quite disciplined on time this afternoon in order to accommodate all those who wanted to present. The committee feels that as many Albertans as possible should participate in this process, so in order to give that opportunity, we will try to obey the laws of time this evening. For the information of the audience and the presenters the time has been divided into 15-minute segments. If possible, if you could deliver your brief in less than 15 minutes, it would give members of the committee a chance to draw you out on the areas they're particularly interested in.

I guess I should introduce the members of the committee, because we do have a different audience tonight than we had this afternoon. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora, and on her right is our host, the MLA for Grande Prairie, Dr. Bob Elliott, followed by Stockwell Day, the MLA for Red Deer-North. Next to him is the MLA for Calgary-Buffalo, Sheldon Chumir, and across from Sheldon is the newest member of the Legislative Assembly, Mr. Barrie Chivers. Beside him is Pearl Calahasen, the MLA for Lesser Slave Lake, and next to her is the MLA for the neighbouring constituency of Smoky River, Mr. Walter Paszkowski. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. With that, welcome to all of you.

The committee would now invite Mr. Hachey to come to the table for the purposes of his presentation, which we understand is on behalf of the Falher consolidated school district.

MS BETKOWSKI: Bonsoir.

MR. HACHEY: Bonsoir. Ca va bien?

MS BETKOWSKI: Oui.

MR. DEPUTY CHAIRMAN: Gerry, while you're there, if you could move the mike over directly in front of you, it certainly helps with the recording of the proceedings. Would you like to wait until your colleague arrives?

MR. HACHEY: No, she's right here. She's standing at the door, if I can get her attention. Sorry, Mr. Chairman.

My name is Gerry Hachey. I'm chairman of the Falher consolidated school district No. 69. I'm accompanied tonight by our superintendent of schools and some parents from our parents advisory committee. It is indeed a pleasure for me to speak to you tonight for a few moments on this all-important topic. While there are many questions and issues raised in the provincial task force discussion paper entitled Alberta in a New Canada, due to the limited time we have available this evening my comments will be related specifically to the area of the charter of human rights and freedoms and bilingualism as they relate to the matter of French minority language education in our region.

Today, ladies and gentlemen, our country bleeds and our country cries out. It bleeds from the wounds of constitutional battles and failures, and it cries out for leadership and compromise. In a very similar way our area and community bleeds and cries out for unity that will bring long-range educational solutions that have escaped us for the last 40 years, solutions that have become more unattainable by the occurrences of the last few years.

Our community of Falher has been the bastion of French language education in northern Alberta for 72 years. French and religious education have been and are today very dear and important issues in the hearts of our citizens. Our populace has invested considerable sums and efforts in these issues. Consequently, our school district was meeting the requirements of the 1982 Constitution long before it came into being. The only facility in the area meeting the needs of section 23 parents until 1988 was l'école communautaire Routhier community school in Falher. It still has the distinction of having that capacity today in terms of quality.

The 1982 Constitution and the charter of human rights and freedoms should have brought forward some clear solutions for French language rights and education in all provinces other than Quebec. Unfortunately, it brought more confusion, more division, and greater inequities to the majority of section 23 parents in our area. This is well illustrated by the occurrences of the last few years.

The majority of section 23 parents in our school district do not want a homogeneous, French-only school. They wish to exercise their rights under section 23 of the Charter within the graduated scale allowed therein. The fiscal constraints placed on our board as a result of today's interpretation and the application by the province of the March 15, 1990, Supreme Court decision seriously threatens our parents from exercising their section 23 rights within their own school district. Was this the intent of the Charter? We think not. What is required is a balancing of individual rights with the needs and interests of society as a whole. This is precisely what is lacking in our area when one considers the rights of the majority of the minority, as indeed are parents of students attending our school district.

In the last 30 years our area has seen a 50 percent reduction in rural population and a parallel decline in school population. Within the municipal district of Smoky River there are six different school authorities involved in providing educational services to a group of just over 1,000 students. There is now the suggestion that we should form a regional French school board in this milieu, a suggestion which is both educationally and fiscally unsound. To insert any program of governance structure that will further divide educational and fiscal resources will only reduce further the already lacking educational opportunities for all.

Parents who pursue the utopia of a homogeneous French school in this region have done so at the expense of lost educational opportunities for the whole region. In addition to this and perhaps more significant is the fact that they are trampling on the rights of other section 23 parents, rights that in our view are also recognized under the Supreme Court decision.

The charter of human rights and freedoms and the subsequent judicial interpretations should have brought forth justice for all section 23 claimants regardless of the degree of wants or needs. In our humble view, the rights of our parents are not being respected and recognized. If, for example, we are forced to pay tuition fees to a regional French school to duplicate programs that are already provided for our students, our students will suffer in lost educational opportunities. This loss of educational opportunities is the gravest injustice of all. This is the reality that we cannot and must not ignore in our course of action.

Our area is based on agriculture, a nongrowth industry in today's economy. We are seeing a reduction in the number of farm families, of businesses, and of jobs as the current recession takes it toll. What is most needed today is not the satisfaction of sentimental needs but the mettle of clear-minded and well-developed plans for the future educational needs of our area. It is clear that over 70 percent of our graduates, both in French and English language programs, will not go on to postsecondary education. What is being done to address the needs of this majority of students? We suggest to you, Mr. Chairman and ladies and gentlemen, that what we see developing now will lead us in the wrong direction.

7:10

The constitutional mess in which our country finds itself is perhaps not an accident. The repatriation of our Constitution without Quebec by Mr. Trudeau in our view was a colossal blunder. This very significant error was further compounded by the amendments of 1982 and the introduction of the charter of human rights and freedoms. Of much greater significance is the fact that our country went from a parliamentary to a constitutional democracy. This was left conveniently unexplained by our leaders of the day and was totally missed by the media. What this means is that an appointed Supreme Court of Canada has greater powers than all the elected governments. In retrospect, such a major change should have been and must now be put to the test of a national referendum.

Indeed, the critical question which needs to be answered by Albertans and Canadians is: who should have the final say in making laws? Democratically elected representatives or courts? I will return to this point at the conclusion of this brief. History will be the judge of those who were responsible for perpetrating such a scheme on the Canadian people. The charter of human rights and freedoms should have made all Canadians equal in the eyes of the law. There is a grave danger in our area that equal opportunities for all section 23 parents may not be provided if we are not careful about how we solve our problems.

In broader terms, we must look at recent developments. We have the Spicer commission, which has been branded as a charade and a waste of money. We have the Bélanger-Campeau commission in Quebec and the Allaire report, which was adopted with minor changes in early March by the Quebec Liberal Party convention. The demands of Quebec will not be accepted by the rest of Canada no matter how much manipulation Ottawa may attempt this time. Canadians are fed up with Ottawa politicians, and they are fed up with Quebec. The opinion polls have indicated this very clearly. During an open-line program on CBC radio in early March eight out of 10 calls indicated that if Quebec did not want to join Canada on acceptable terms, it should get out. This is deplorable, but it is a reality we must face. Some Quebec politicians, on the other hand, secretly desire that the rest of Canada tell them to get out. They, too, are fed up with Ottawa politics and manipulations. They are also looking for a scapegoat if things should go wrong down the line.

Mr. Chairman and members of the select special committee, the supreme irony in this whole issue is that Quebec itself was responsible for the failure of the Meech Lake accord. It was not and is not prepared to accept the provisions of the Charter as they are being accepted in the rest of Canada. The distinct society clause was not explained during the negotiations the same way in the French media as it was explained by Mr. Mulroney in the English media. The press statements were different from Quebec politicians in French than they were in English. In our view, too much has been lost in the translation.

The position in which we find ourselves today in constitutional terms has become untenable, especially in view of the events in Quebec. We are now convinced that the separation of Quebec is inevitable. Whether we like it or not, it's just a matter of time. This poses a number of questions as to the future of French education and the future of bilingualism in Canada that beg to be answered before we proceed any further. Is bilingualism a dire necessity in a Canada without Quebec? Would the majority of other provinces and territories wish to honour a bilingualism policy when Quebec is out of the Canadian constitutional framework? Will we as a reduced nation sporting many wounds from the constitutional battles be prepared to listen to the aspirations of la Francophonie hors du Quebec? History has a tendency to repeat itself. Quebec has clearly abandoned les Francophones hors du Quebec just as Quebec itself was abandoned by France some 200 years ago. For some Francophones this is a sad fact but a reality that must be faced.

In view of the above and particularly in view of the uncertainty surrounding our constitutional future, we suggest that the Premier of our province must table the whole issue of French minority language education governance until such time as the constitutional issues have been resolved. This would include the tabling of decisions or recommendations which are expected to be forthcoming from the Minister of Education's working group being chaired by Mr. Paszkowski, MLA for the Smoky River constituency. To ignore this request and to proceed at this time can only bring forth more problems and create an unmanageable albatross that will further prevent us from addressing the real educational needs of our future students.

To conclude, Mr. Chairman and ladies and gentlemen, one needs to consider what is indeed a solution to the constitutional question at hand. Our position is that if there should be any new constitutional arrangements, the role of the Supreme Court of Canada should be curtailed and defined, defined in such a way that it would be limited to the interpretation of law and not allowed to venture into legislation itself. It is also very important that the appointed Supreme Court judges not be given greater powers than the elected parliaments in our country.

The Canadian charter of human rights and freedoms should have limitations on individual rights. Individual rights should not be provided to the detriment of the majority or the minority. Provincial powers and responsibilities should be increased in order to better reflect the regional diversity of our nation. Federal powers should be limited to issues of national interest. National standards could be established with provincial agreement in such areas as, for example, education, health care, professional qualifications, environmental issues, et cetera.

The bilingualism policy of the last 20 years has been a dismal failure. We have wasted millions of dollars on this program only to frustrate Canadians in all parts of Canada. If it is the wish of the majority of Canadians to make Canada a bilingual country, then all our efforts should go into providing bilingual education in all Canadian learning institutions. If we as a country are not prepared to do this, then we feel we will not succeed. If bilingualism is to be maintained in any form under our new constitutional arrangements, then a clear set of guidelines acceptable to the majority of Canadians should be put in place.

The school boards and parents that are here today will not be here in the future. Our local history has taught us that we tend to live with the mistakes of others and have little capacity to redress them. Let us answer these questions and solve this matter in a logical, well-planned manner. Let us make decisions not for the sake of expediency but rather for the good of our future students and citizens of Alberta and our nation as a whole. Our students are, after all, our nation's most precious resource.

MR. DEPUTY CHAIRMAN: Thank you very much, Gerry.

Cathy, do you have anything to add? If so, if we could just move the microphone over. Welcome.

MRS. BERUBE: Thank you. Good evening, Mr. Chairman and ladies and gentlemen of the Alberta Select Special Committee on Constitutional Reform. My name is Cathy Bérubé, and together with two other parents, Mrs. Kathy Marchildon and Mr. Marco Gervais, I am here this evening to support our school board in its brief, which has just been presented, and in the next few minutes to express a couple of questions and concerns with regards to the matter at hand.

At the outset I should say that all of us are parents with children attending l'école communautaire Routhier community school in Falher and that we are individuals who possess rights under section 23 of the charter of human rights and freedoms. On a number of occasions in different forums our parents have expressed their concerns with regards to how French minority language education is being dealt with in our region as a direct result of the opening of a distinct homogeneous school in our area in September of 1988 and consequently the manner in which such is being addressed, particularly by Alberta Education. It is most important to underline that in our school district, like the rest of the Smoky River area, there's a very small portion of section 23 parents supporting the homogeneous school concept. It is not and never has been our position that the rights of this minority should be denied. Our main point of contention has been and remains today that in trying to meet the rights of this small minority group, we do not infringe upon the rights of the majority of section 23 students in our school district and indeed throughout our entire region.

Programs at l'école communautaire Routhier community school in Falher, Francophone and Anglophone alike, have already suffered as a result of the opening of a new, distinct homogeneous Francophone school in our area, a school which, by the way, duplicated minority language education programs already in existence in grades 1 to 9. More importantly, because the viability of our school and school district is indeed being jeopardized, it means then that the majority of our section 23 parents and students may no longer have their rights respected.

7:20

What then does all this mean insofar as the Canadian Constitution is concerned and why, therefore, would we even be presenting the situation to you members of the province of Alberta Select Special Committee on Constitutional Reform? It is our firm opinion that certain provisions of the charter of human rights and freedoms, specifically those that relate to section 23, require clarification to more clearly articulate their original intent. The provisions as they exist today and certainly as they are presently being interpreted and applied by Alberta Education are not working in a positive manner; in fact, quite the contrary. They are working to the detriment of the majority of section 23 in our area and, as well, to the detriment of our school and school district.

Further, we would suggest that the Constitution needs to be clarified insofar as what it means by sufficient numbers to warrant public funding of minority language education. This needs to be done, however, realizing that allowances need to be made for regional differences. In other words, one needs to be cautious about painting the entire province, indeed the entire country, with the same paintbrush.

Ladies and gentlemen, our region of the province and specifically those of us within the boundaries of the Falher consolidated school district No. 69 beg for a solution to these questions and matters, a solution which will allow us to continue for many generations to come the fine tradition which preceded us for some 70-plus years.

The chairman of our school board, Mr. Gerry Hachey, has enunciated in more detail the specifics of the situation in our region and has put forward some ideas as to what needs to happen and take place. In the time we have remaining, we'd be more than pleased to dialogue with you and to answer any questions which you might have.

MR. DEPUTY CHAIRMAN: We don't have too much time, but this is a very important subject and the Chair is going to exercise some discretion in allowing more than had been allowed.

Mr. Chivers.

MR. CHIVERS: Cathy, I guess this is really for both of you. I take it then that what's happened in your school district is that some of the section 23 parents have convinced the school board to establish a minority language education program and part of your program still operates out of your school district. Is that correct?

MR. HACHEY: That's not quite correct. To clarify the matter, it's a school district that was not operating a school prior to 1988 that decided to open a school owned by a jurisdiction other than ourselves, a homogeneous school which was allowed to be opened before tuition agreements or funding models were put in place. Now that the school's in place, we are stuck to pay the bill.

MR. CHIVERS: So you're competing for the students and you're competing for the funding.

MR. HACHEY: Well, basically we're providing a full first-language French program in our school. Some parents feel that the ambience is not there because there are English students present in our school. There's also an English program, and they feel that's not adequate. Because of the ambience, they've chosen to go across the road. That's fine with me, but I feel that if we have to provide it – and we're forced to provide the section 23 program because the parents from our district are demanding it. That's their right, so we can't say no to them. By the same token, under the present School Act we should be able to say no to the parents going across the street, and if they wish to go, either they pay themselves or it's picked up by somebody else. This is our point.

MR. CHIVERS: So as you view it, it's competition for the funding, and you feel that your program should get the funding in preference to the other program.

MR. HACHEY: Well, the way the system is set up now, our area is actually being penalized educationally because of the presence of the French fact.

MR. CHIVERS: Okay.

Now, I understand your problem, but I'm wondering what the constitutional solution is that you're proposing here. I take it that you're not suggesting that section 23 should be struck down, that it be removed from the Charter.

MR. HACHEY: We've had lots of problems with section 23. Personally I wish it could be struck down and we could go back to what we had before, but I guess this is not possible. On the other side of the coin, I think that with section 23 without the definitions, the limitations put forth by the Supreme Court decision of March 15, 1990 . . .

MR. CHIVERS: Where numbers warrant.

MR. HACHEY: . . . we were doing just fine, but the Supreme Court decision has muddied the waters so badly that it's impossible to find a viable solution.

MR. CHIVERS: The real issue, of course, is whether numbers warrant in this particular circumstance the establishment of this particular school, but it's difficult to conceive of another formulation that isn't going to be an exact one that says X number of students or something.

MR. HACHEY: I think "where numbers warrant" is beside the issue. I think that if people are receiving the full program under one school authority, they shouldn't have the liberty to run and ask somebody else to provide it, because that's a total waste of public funds. I think the ambience matter has very little to do with the educational value of the school programs here. The Supreme Court has gone further in education. It has caused the situation to be remedial in nature, which is really nothing to do with educational programs.

MR. CHIVERS: So your preference would be to remove section 23 from the Charter.

MR. HACHEY: Either remove it or write it in such a way that it's understandable and we don't need nine Supreme Court judges to define it.

MR. CHIVERS: How would you suggest that amendment could be accomplished? What would you suggest in lieu of the "where numbers warrant" sort of formula?

MR. HACHEY: I wouldn't venture to give you a suggestion off the top of my head, but I could certainly write one for you.

MR. CHIVERS: I'd appreciate that. If you have some thoughts, send them in to the committee.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Hello and welcome. Nice to have you here.

I just have a couple of questions about the program at l'école communautaire Routhier. What grades, what kind of program is available at that school?

MR. HACHEY: It has had since the late '70s a full French language program available to the maximum allowed by the Alberta School Act. Since 1982 it has had one hundred percent French programs except English. The only thing that wasn't taught in French was English. All the other subject matters were taught in French. I would like to add here that, as you probably know, Falher was leading the province in developing curriculum that was not available prior.

MS BETKOWSKI: So does it remain a French school with only English being taught as part of a French curriculum?

MR. HACHEY: That's right. There are two different streams. There's an English stream and a French stream, and the French stream is one hundred percent French.

MS BETKOWSKI: And one of the concerns, as I recall the Supreme Court judgment, was a physical separation of the English and the French stream. Now, is that a reality?

MR. HACHEY: Yes, and we've offered that to the region, a physical separation. I'd like to underline, too, that our school board is fully bilingual, all section 23 parents.

MS BETKOWSKI: In fact, I think you're the only board in the province that is. Is that not correct?

MR. HACHEY: Us and the St. Isidore board, yes.

MS BETKOWSKI: Oh, I'm right. Okay.

MR. HACHEY: Prior to St. Isidore starting up the school, we were the only fully French school board in the province.

MS BETKOWSKI: And how many of your kids have opted over to Jean Côté?

MR. HACHEY: We were running a regional program prior to their opening, and we lost 140 out of 375 students to that school. Of our own resident pupils, there are only 37 students from our own residency. However, we lost 140 from the total school population.

MS BETKOWSKI: And are you required to send tuition agreements over to Jean Côté for those 37?

MR. HACHEY: To this point we have not signed a tuition agreement. We have been able to cover tuition agreements through equity funding, but the time has come now when the department is directing us to sign a tuition agreement, and they've also decided what the tuition is, which is a total contravention of the School Act at the present time.

MS BETKOWSKI: Thanks.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Just to follow up. I was quite interested in what you had to say relative to parliamentary democracy versus constitutional democracy, which I think has determined what basically is happening to you presently: the interpretation by the Supreme Court of Canada. What in your view, then, should it be in terms of those two particular groups, whether there's a constitutional democracy or the parliamentary democracy? You're saying that we should not allow the Supreme Court of Canada to be able to interpret the laws but rather we should be the lawmakers and make sure that the law is dealt with in that manner. My question is: how can we now change that and the way it is going presently, because they are now making the interpretation?

MR. HACHEY: I think it's very simple. I think the constitutional arrangements that were changed in 1982 – Quebec itself was not prepared to sign Meech Lake, because they prefer the old BNA Act, the old Constitution. I will tell you that Quebec, whether they sign any kind of constitutional arrangement or not, will not sign a constitutional arrangement that allows the Supreme Court to make the kinds of decisions they made in this case, because they wish to jealously protect their culture and their language. Under that kind of structure, under the present Charter of Rights, they could not do it unless there were exclusions. So if we're going to have half or two-thirds of Canada under one set of rules and the other under another set, I think constitutionally we've got a problem.

What we're suggesting is that the parliaments of Canada retain the powers they had under the BNA Act and that the Supreme Court role be limited to interpreting law. In this case, they went as far as to write law, and they're indicating to the province how they will do it, which is a totally new set of rules that never existed under the BNA Act.

7:30

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: If there are no further questions . . . Oh, John?

MR. McINNIS: This is just a question of fact. You mentioned that a school population of 1,000 kids has six school authorities. How in the world did that happen?

MR. HACHEY: Well, it's a long history. In fact, it has its history in trying to protect the French language in that area. That basically is how this all started. There are a number of authorities in there that aren't operating the schools but have had existing agreements with operating boards for 50 years. They just have two or three four-by-four districts. They used to run a little country school, and when they closed that down, they started to bus their students to another school. They go across another school district's territory to get to that school. For instance, if you're familiar with the MD of Smoky River, the Whitemud area south of Little Smoky River has two different districts, small school districts with nonoperating schools. They do send their students to our school to access French programs.

You know, we pride ourselves on the fact that we have a large French population, but we have German descent, Ukrainian descent, Polish descent. These people are coming to our school. We've got a lot of trilingual people in our district, and we're pretty proud of that. We've gotten along really fine until this issue came along. It created divisions within families and within our communities, which is not good in anybody's country.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Well, thank you very, very much.

MR. HACHEY: Thank you very much.

MR. DEPUTY CHAIRMAN: We really appreciated your presentation.

Our next presenter is Bernie Desrosiers.

MR. DESROSIERS: I'm was sitting at the back, Mr. Chairman and, considering how politicians generally prefer to speak than to listen, wondering whether you'd get a day off purgatory for this. [laughter]

Might I start by congratulating all parties of the Legislature for having agreed to be part of the committee process. I'm convinced that if this country is to survive, it will take a willingness to seek a broad consensus rather than a simple plurality and will require considerable compromise and tolerance of divergent views. The public knows this, and given the importance of the outcome, any political posturing will not only be seen as foolish but petty. Yet the Meech round has taught us that neither must we be afraid to express strongly held sentiments for fear of appearing to be obstructionist. It is in this context that I offer my remarks.

It is important to me that this country remain united. Language is a source of irritation to many. However, few would argue that the fact that there are bilingual signs in Banff national park or there is French on the reverse side of breakfast cereals constitutes sufficient reason to break the country in two. Conversely, many in both Quebec and the rest of Canada would acknowledge that the experiment in fostering a bilingual populace along the lines of many European countries has been an expensive failure. It is time we accept the reality that Canada is made up of two major unilingual communities. We should therefore accept the obvious necessity of bilingual federal government services at the centre of government, with federal government services in the regions that reflect the linguistic nature of the region.

The right of both the English and French communities to protect and foster their culture should be recognized. However, given that only one culture stands threatened, we as Canadians must accept that only one is likely to take overt measures to protect itself. Let's not pretend that Quebec can afford the same cultural complacency as the rest of us. Once more I feel it is important to express my view that if this country is to flounder and fail, let it be as a result of not being able to come to agreement on the large, significant issues and not over some silly point of pride or some erroneous principle. I believe an acceptable language compromise, while removing an irritant that presently serves to separate us, will not provide the glue that binds us together. We must search our national soul for those things about us that we like and wish to preserve as well as for those things which we would strive to be.

I would suggest to you that if you were to ask Canadians today if they would want to be part of an effort to continue to build a country committed to social justice, caring, and nonviolence at home, you would find enthusiasm. If you were to ask for a commitment to an independent foreign policy based on principles of nonaggression, self-determination, peacemaking, and assisting the development of underdeveloped countries, you would find enthusiasm. If you were to ask for a commitment to an economic policy encouraging greater Canadian ownership and development of our natural resources with more of the job-intensive, value-added processing and manufacturing of our natural resources completed here at home prior to export, you would find enthusiasm. If you were to ask for a commitment to an environmental policy of preserving our clean air and water, disallowing the export of water, preserving our diverse plant and animal species in their natural habitats, and behaving environmentally in a manner that is globally responsible, you would find enthusiasm. If you were to ask Canadians to support maintaining a public broadcasting system with a mandate to promote national unity through supporting national artists, coverage of national events, and professional journalism, you would enthusiasm. If you were to ask for a commitment to a federal system of government responsive to the democratic will and providing a transfer of wealth to the poorer provinces, I believe you would get it. And if you were to ask whether Canadians felt the central government ought to command sufficient power to achieve such goals, I believe the answer would be a resounding yes.

This is the country Canadians came to believe they were building. Canadians like to believe that we are building on this northern half of the continent a society that is different, perhaps even better than that to be found anywhere else. To a large extent we have succeeded. However, rather than celebrating our success, we have become consumed with questioning it. A recent United Nations survey concluded that Canada was the second best place to live in the world. It pointed in particular at the educational and medical services we provide our public and noted the low incidence of violent crimes.

Canadians recently have lost sight of their goals, perhaps because they have been receiving mixed signals. As a cautionary aside, the same United Nations survey noted with concern the growing gap between the rich and the poor in Canada. Our national vision has been clouded by an American mentality which believes that through assisting the rich you stoke the engine which drives the economy and feeds the poor. Instead of more progressive taxation we have adopted a regressive sales tax. Instead of developing domestically an industrial policy for Canada, we have simply placed our life raft behind the American liner in the hopes that it will cut the waves and we won't be swamped in its wake.

Government policy has eroded the funding of education and health to the greater detriment of the disadvantaged. New initiatives such as day care remain mothballed. Financial commitments to public broadcasting are cut. Gun control legislation remains stymied. Canadian foreign policy appears to have become more expedient than principled. A national environment presence appears missing or toothless. Historic national policies such as free trade and GST are enacted despite the objections of a majority of Canadians.

In the final analysis what I am saying to you, ladies and gentlemen, is that while I wish to see Canada preserved, Canada for me is more than a geographic configuration on a map; Canada is a nation with a destiny for its people. If this round of constitutional negotiations manages to preserve our geographic integrity while sacrificing the dream, then I believe it will have failed. A nation without a purpose cannot survive long.

7:40

Alberta can contribute to the success of this process by shifting the focus of the debate from the question of whether Quebec will leave or remain in Confederation to one of asking all provinces and Canadians whether they would be willing to commit themselves to building a nation forged to pursue certain commonly held goals. If we concentrate solely on issues concerning regional disaffections, the final appraisal will be based on what concessions were sought and not achieved. Such an approach divides rather than unites and provides never ending sources of discontent and fuels demands for yet another round of constitutional bargaining. Such an approach runs the further risk that should the unity initiative fail, the remaining provinces will find themselves back at square one. However, if we identify common national goals instead, we then will be positioned to ask ourselves what type of new national configuration might be fashioned and what forms of government and divisions of powers are most appropriate to achieve such goals. Should some regions of the country be unwilling to join such a national endeavour, we will be more readily able to answer the question of whether such goals are worth the effort of pursuing the forging of some new national alliance.

I believe Canadians have a national vision for Canada. I believe that if given voice, it is an appealing vision regardless of the language in which it is related. When put in terms of what it is rather than what it is not, the vast majority of Canadians in all regions will be proud to be part of such a noble national venture. I think it is time that we recommit ourselves as individual Canadians and provincial governments to those national beliefs and rededicate ourselves to seeing them fulfilled. I ask the Alberta government to take the high road in this matter. I am not ready to barter the future of this country for something as menial as unilingual corn flakes, elected Senators, provincially appointed Supreme Court justices, or an unwillingness to commit to paper recognition of cultural uniqueness of one region of the country from the rest.

It is time to abandon the old policy of using Quebec disaffection as an opportunity for forging provincial alliances in order to wrestle further powers away from the federal government. It is time we replaced that policy with one that calls for a rational division of powers. It is for that reason that we must define our national goals. It is on the traditional goals of tolerance, caring, nurturing, peaceful coexistence, and self-determination that I would refuse to yield. Once having defined our goals, we must ensure the preservation of a national integrity by assigning to the national government the means and powers essential to assuring their fruition.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
John.

MR. McINNIS: I'm sorry. We're stunned into silence by the extraordinary clarity of your vision for the country. I don't think there's too much ambiguity in the fact that you see us needing to return to a sense of a national goal, a national purpose, and you see a sort of drift in constitutional development away from that at our expense. I wonder if you'd just open up a little bit more in terms of how you see that being done. Is it primarily a matter of strengthening the ability of the federal government to put forward national goals and objectives, or do you see it particularly in constitutional terms by way of any amendment to the Constitution?

MR. DESROSIERS: I think some of it is there already. It is just a question of once more leaving Canadians to give a voice to what they believe Canada is. But if we were to take any one of them, let's say environment because it's an area I know you're concerned about, and if we were to say that in Canada we wish to put the environment as a higher priority than perhaps some other countries have done, we then will have to determine perhaps in a constitutional way how we're going to achieve that. I know that very recently there has been some wrangling between provincial and federal governments as to where that authority ought to lie. Now, it strikes me that presently the provincial government has the responsibility for the development of natural resources. At one time, as you well know, that was the federal responsibility which was delegated to the provinces.

MR. DEPUTY CHAIRMAN: Just a minute. Only in Saskatchewan and Alberta until 1930.

MR. DESROSIERS: Well, the point I wish to make in terms of rational division of powers, though, is that I don't believe the two should necessarily be in one basket. Obviously we all have to be concerned about the environment. As a county councillor I can well tell you that where we as a county council ask to determine the environmental viability of Procter & Gamble, which provides $2 million worth of taxation revenue to the county, I would caution the public in their trusting us to make that decision: put it that way. All I'm saying, I guess, is that if instead . . . I know that recently the provincial government has looked at the idea of corporate pooling. For example, with corporate pooling perhaps we would be a little more free to make that decision. But what I'm saying is that money speaks. It speaks loudly at the local level, perhaps less so at the provincial but you get a fair bit of revenue from resources, and perhaps less so at the federal level still. Under those instances you may decide that rationally if resource development is going to be determined by the provinces, perhaps environmental control ought to be a very strong national issue. But number one, you have to decide whether we want to do that. Perhaps we want to be a Mexico instead. I don't think we do. I don't think we want to sort of rake this country's resources and litter the landscape.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: I won't be long, Stan. I'm sorry. There's one thing I want to clarify here, Bernie. You say in your brief

> We should therefore accept the obvious necessity of bilingual federal government services at the center of government, with federal government services in the regions that reflect the linguistic nature of the region.

I'm just wondering in what way that differs from the present situation.

MR. DESROSIERS: Well, I think it's clear for one thing. As I've stated in there, I believe it's a common conception of many people that what the federal government was setting out to do was to make us all bilingual. If that's the case, it certainly hasn't worked. Now, there are other people who might say they were simply trying to create a bilingual country in terms of services. That perhaps is achievable, is what I'm saying. We have to keep what's achievable, which is to say that if we have a country made up of two unilingual societies, obviously both of them are going to have to be able to deal with the federal government in their own language. That doesn't mean that both services have to be provided in both regions.

MR. CHIVERS: It just seems to me that the Official Languages Act and the bilingualism policy really – you've summarized it in that sentence. That's exactly what bilingualism policy and the Official Languages Act is doing. It's only providing federal government services, and it reflects the linguistic nature of the region they're delivered in. I just wanted to be clear. You were suggesting that there was some change.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Bernie, some interesting thoughts. I guess I'd like to just question two areas of your brief. One, you talk about the traditional goals: tolerance, caring, nurturing, peaceful coexistence, self-determination, none of which, I think, any of us would disagree with. Then you suggest that we must assign to the national government the means to achieve that. Why is it that you feel that all the wisdom and the ability is there at the national level to achieve that but we don't have the ability as a partnership of provinces to do that? Or am I misunderstanding?

7:50

MR. DESROSIERS: I'm sorry if that's the interpretation. I'm not saying that the wisdom is there. What I am saying, however, is that I believe there was substantial concern at the time of Meech Lake that the ability of the government to undertake new national initiatives in the future along the lines of medicare, for example – which is thrown out again and again by Canadians of all political stripes in this country; they refer to it as a sacred trust, in such glowing terms – just would not be achievable again. I guess my concern is that when we look south and attempt to create a government that is more American-like, I see a country that has been unable because of its form of government – not necessarily because of the amount of money at the centre, perhaps, but because of the nature of the structure – to come up with a system as effective as ours in terms of medicare. Perhaps that's going to apply in the future to other areas such as day care. It's hard to tell what we're going to need 40 or 50 years from now.

MR. ANDERSON: So to be clear, what you're saying is that we must become able as a nation to achieve those goals. You don't necessarily mean that the national government has to achieve those, but we have to achieve them as a country.

MR. DESROSIERS: Well, I believe there is some question – and perhaps you can answer that better than me – as to without any federal clout in terms of dollars whether or not they would have been able to maintain universally accessible medicare, for example. It was only through the threat of removing some of those dollars that in fact they were able to in a way force provinces to maintain the universal accessibility of that program. If you removed those dollars, the provinces may have been able to sort of thumb their noses at them. I'm not sure of that.

MR. ANDERSON: Okay. Just quickly, Mr. Chairman; maybe it's as much a comment as a question. I agree with your statement that we shouldn't be ready to barter away the future of our country for menial items, but listing unilingual cornflakes boxes along with elected Senators and the composition of the Supreme Court seems to me mixing something which might not be so important with the fundamental essence of how democracy works.

MR. DESROSIERS: I guess the way I view it is that in the past hundred years, as I note in my presentation, this Canada has achieved very admirable things. It has progressed. It has done so without, as has been pointed out by the last speaker, a Constitution other than the BNA Act, without a Charter of Rights, and without an elected Senate. If that's what need be, I feel that what we've achieved in the last hundred years is far more important than any of those three. They do appear very menial by comparison.

MR. ANDERSON: I see. Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. That was an excellent presentation, Bernie. I very much appreciated that. The core question we have been dealing with a great deal in our deliberations has been the degree to which power should be wrestled away from the federal government, to use your term. There are some who feel that we should be decentralizing, particularly in the areas of medicare and some social programs, and transferring powers to the provinces and relying on them to make a national deal and have some commonality. The alternate view is that the only way they will remain effective and we'll have a strong nation is if some of those central powers are held by the federal government. You've set out, I believe at least implicitly, what your value system is here, and I think it would be important to the committee if we could hear your views as to where these powers should reside and what the role of the federal government should be.

MR. McINNIS: Do we sense some ambiguity here?

MR. CHUMIR: I've interpreted your brief in one way; Dennis has interpreted it in another.

MR. DEPUTY CHAIRMAN: Briefly, please, Bernie. I thought the message was quite clear.

MR. DESROSIERS: Obviously there are national initiatives. The problem is that when you start dividing them, it seems to me you're getting into this question of whether or not there should be any special status for one province over another. You know, if you talk about immigration, by and large it seems like a natural thing to say that ought to be a national one, yet we presently see where we have, especially in the instance of Quebec, allowed some privilege. Now, it strikes me that when we talk about special status or special privileges we've got to think of it in a different context. When we go into almost any public building in this province, we will find lifts and ramps which most of us don't use, yet we would not say that provided a special status for the people who use them. What I'm saying, if you might follow that, is that different situations, unique situations, may require different treatment. That does not constitute special status.

The reason my paper has taken this tone is that I'm concerned about what I see as the nitpicking and the backbiting that's going on concerning this whole question of constitutional divisions. I heard an analogy this morning that we can't provide special status because we've got to, you know, think about children in a family. What if one child receives treatment different from the other? Well, it strikes me that the reasoning not so much as the analogy is childish when you start using that, because you're getting down to that sort of "Is your scoop of ice cream bigger than mine?" type of thing. I think we have to simply identify our national goals and say: can they be carried out better at the provincial or federal level? But let's not lose sight of the goals.

MR. DEPUTY CHAIRMAN: Stockwell, quickly, please.

MR. DAY: Thanks, Mr. Chairman. I'll have to go quickly and try and catch up on that last question of Sheldon's.

Bernie, one unique difference in your presentation is standing out in my mind, and I'd just like to plumb the depths of it a bit and see if you can help me and if I'm on the right track here. In all the presentations we've had to this point, the people have clearly said, "I'm representing a school board or an organization" or "I am representing myself." They've made the difference clear. You've given quite a list here, a fascinating list. This is what I need to answer: you're saying that if you asked Canadians – and then your list is fairly long – you would find enthusiasm. It's suggesting there is a good ground swell of support there. So that's the one difference, that you say you're speaking for Canadians in general on the issues, which is something certainly we're terrified to do ourselves as a committee because we need to know.

Just as an example, the question of transfer dollars: there are a lot of Albertans who are very concerned about the system of transfer dollars and how it's working. The public broadcasting system is being cut back. There are a lot of Albertans in favour of that. I'm just pointing these out as differences in opinion, and I'm wondering if you've done some polling specifically that could be available to us as a committee so we could say: "Bernie's right. We shouldn't have been involved in Iraq because that could be seen as aggressive and that's foreign policy." Do you have some figures you could help us with there? I'm not asking sarcastically; I'm asking sincerely.

MR. DESROSIERS: The questions I believe you would find. Okay? I'm not speaking for anyone, and I probably have a popularity rating about the same as Brian Mulroney, who speaks for Canada. I simply am saying yes, I believe that if you put the question . . . You know, most people are going to say, "I want to save taxes," so if you say, "Do you want to cut back the CBC and save millions of dollars?" they'll say yes. But if you say to them, "Do you want to get rid of the CBC and replace it with American broadcasting on satellite television, which will bring you American news with a little added tidbit at the end that's perhaps Canadian?" and you want to put it in that context, I don't think I need a poll to tell me the answer to that question.

MR. DAY: That's interesting. Thanks. The other thing: I know you don't want to look at specifics, but there are some very specific things troubling our Confederation right now that people are looking at, not in terms of, "Gimme; I want this because you've got that," but the issue, for instance, of Supreme Court appointments. The fact that Quebec can appoint a third of that court does give some people some cause for pause. They would like to see western provinces having some say in that. They see that as a very significant area, also the area of Senate reform as being crucial to dealing with the population misrepresentation. On those two issues, given that you are seeing things in a somewhat more general light, can you comment, help us? What would be your feeling?

8:00

MR. DESROSIERS: Let me start with Senate reform, because this is the one that we talk about more often. It seems to me that there may be other alternatives, such as allowing for Parliament to be reorganized to allow for seats that were representation by population type seats.

I also am afraid of the other. I've talked about the taxpayer. I'm afraid that when we have an elected Senate, each one of them is going to need a full fleet of staff to support them. There's going to have to be a second level of cabinet, an executive government for the Senate, as there is in America, and I really don't know that we need, so to speak, two Houses of Commons. You know what I mean. I think it's rather expensive. It's going to be redundant in many ways.

Perhaps instead we could look at a restructuring of the present Parliament, the House of Commons, to allow for fair representation and simply do away with the Senate, as a possibility.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Bernie.

MR. DESROSIERS: Thank you.

MR. DEPUTY CHAIRMAN: For the committee's information we are now half an hour behind schedule. I ask if we can tighten this up a bit.

The committee would now invite Gilbert Balderston to the table. Welcome, Gilbert.

MR. BALDERSTON: Good evening, and welcome to Grande Prairie. I'm just here as a concerned citizen.

MR. DEPUTY CHAIRMAN: That's the kind we want.

MR. BALDERSTON: I appreciate the opportunity to present my views before the committee. I hope that Canadians all across this province and throughout the country feel the same way and that they make their positions known.

In the past 200 years we have faced important crossroads which have shaped the character and structure of our country. Another critical stage of national nation-building is before us. In fact, the outcome of our current constitutional crisis will do more to spell out the future of our nation than any other single event or decision in Canadian history. There is no simple solution to our constitutional problems, yet our options are fairly straightforward. I see four of them.

Option 1 is to keep Quebec at any cost. The goal here is to get Quebec into the Constitution even if it comes at the expense of other provinces and regions. This solution goes beyond extending distinct society status to the point where we will bribe Quebec with privileged funding and power from Ottawa. I stand with the vast majority of Canadians in rejecting this option. In fact, most Quebeckers themselves don't want to be bought. The only proponents of this view have been some very disillusioned politicians in Ottawa who have been out of touch and tune with all Canadians over the past 20 years.

Option 2 is to strengthen Ottawa and keep powers centralized. I do not support this option. It's popular in Ontario and representative of the Trudeau days. For some reason there is an idea that the federal government is best able to make the majority of economic and policy decisions for Canadians, when in fact all they've proven to be good at is collecting taxes and spending more money than they collect. What do we have to show for it? An out of control debt and a contentious country on the verge of collapse. The central government has managed to deal effectively with international affairs, but they've been terrible in dealing with regional issues, whether it be support for farmers and fishermen or energy and language policy. They have proven themselves to be out of touch with local circumstances and needs.

Option 3 is to strengthen all provinces equally and reduce power in Ottawa. I feel this is the best option for Albertans and our nation as a whole. We have an economic and constitutional crisis on our hands because for too long Ottawa has meddled in expensive areas such as social and medical care and politically sensitive areas such as culture and language. Our economic problems are deepened through Ottawa's policy of fiscal equalization. Transfer payments may be nice in principle, but they ignore the economic reality. They create a welfare mentality in the minds of those who are on the receiving end, and they keep Ottawa very bureaucratic and powerful.

If Canada is to survive, more decisions about language, culture, immigration, education, health care, social services, and the economy must be made closer to home. Regional self-reliance will allow us to maintain our nationhood in a new Canada with more power for the provinces and less mismanagement for Ottawa. The result will be a more content Canada and a Canada with more will to stay together. Ottawa must continue to serve a role in foreign affairs and restricting unfair practices between provinces through marketing boards and some labour and transportation restrictions. However, economic redistribution must be relinquished by the federal government.

The more distant the government, the more money it wastes. Ottawa should have access to far less money than it does now. It should have some regulatory control, but regulatory control doesn't require the billions of dollars that the federal government currently collects from the provinces. This is a position we share with Quebec and most other provinces besides. Ontario, B.C., Alberta, and Quebec have always expressed interest in running their affairs, and it is to our advantage to work together towards a decentralized government which will bring Quebec into the Constitution. The solution that I see is not far from the Meech Lake proposal. We need to define the terms and educate the public and take another run at it.

Option 4 is to break up Canada. Albertans do not want to see this Canada fragmented. If Canada falls, Alberta will remain. We would do more than survive. We would make difficult decisions that reflect a common system of beliefs, values, and priorities that exist among most Albertans. These decisions would lead to a stable, prosperous existence, but would Alberta be better off? To answer that question, you must go beyond budgets and politics, political structure. When we consider our heritage, our history, our quiet yet entrenched national pride, we know that Alberta is stronger and richer within the context of Canada. Let's recognize the nature and needs of regions by giving the power to those who can make decisions most effectively in the way that we will preserve what is most precious to our nationhood.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Gilbert.

Sheldon . . . [interjection] Have you got your answer? [interjection] No, don't say that.

Sorry, Gilbert. It was just sort of a . . .

MR. CHUMIR: I may concede about centralization versus decentralization. I'm afraid that I was not hearing exactly the views that I have, but I respect your point of view.

I was wondering though. Did I hear you suggest that you thought maybe a solution somewhat close to what was being proposed at Meech Lake would be the way to go?

MR. BALDERSTON: I think that Meech Lake with some work on it could have been made to work, but there was some will of certain people that came into effect, you know. I think Alberta would have seen a benefit from Meech Lake, a lot of things that we need. I'm a farmer, and I can tell you what: I'm a long ways from Ottawa. I can't holler loud enough to get there, believe me.

MR. CHUMIR: Okay. Now, we heard earlier from people about our medicare system that it's respected around the world, and there was one comment about people in the United States commenting about how they envy the medicare system we have.

Are you a fan of our medicare system, or do you think it's a mistake?

MR. BALDERSTON: I certainly think that medicare is important. Any time you give somebody something for free, they don't respect it. We've given it to Albertans free. You know, you go there and you pay a premium, but when you go to the hospital, you don't have to pay. I see it being abused more and more every day. It scares me. As a citizen trying to make a living, I don't know how much more I can afford to continue on. Somehow or other these controls are going to have to take place. I mean, it just doesn't make sense that we can continually run a budget straight up and survive. So I'm not against it, but it's going to have to be controlled somehow.

MR. CHUMIR: Assuming that it's controlled, do you favour having similar standards across the country so that Canadians from one end of the country to the other can . . .

MR. BALDERSTON: Well, I guess to really speak on that, I wouldn't know. I know what we've had in our province and what we haven't, but to speak beyond that would not be fair, because I don't know.

MR. CHUMIR: That's not an important feature to you, that Canadians have that accessible from one end of the country to the other?

MR. BALDERSTON: I guess it's important, but I'm not too sure that I'm the authority to speak on it.

MR. CHUMIR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Well, we want to thank you for your presentation, Gilbert. You did very well.

Our next presenter is Randy Layton. Is Randy Layton here? Well, I'll move Randy down and ask if Scott McAlpine is here.

Scott, welcome. Please join us.

8:10

MR. McALPINE: Thank you, Mr. Chairman. I speak on behalf of myself. I've been teaching political science at the regional college here for the last 10 years, and hopefully I'm about six months away from defending my dissertation under Roger Gibbins at U of C on the process of executive federalism in Canada – if Canada holds together that long, that is.

MR. DEPUTY CHAIRMAN: We heard some bad words about executive federalism earlier this afternoon.

MR. McALPINE: Oh, have you? Okay. I'm not surprised, I suppose.

I'd like to start out with just listing a few of the assumptions that I bring to the table today and reflect for a couple of moments on two areas that I think are probably important: one, the division of powers in the revised Canadian Constitution, assuming we get that far, and secondly, some reflections on the models of constitutional reform themselves, the constituent assembly model itself. I'd be pleased to discuss anything else, of course.

But, first of all, the assumptions. I'm assuming that, like most Canadians, this committee is of the opinion that the current constitutional situation is unacceptable: Quebec not signing the Constitution, the constitutional morass we find ourselves in. The second assumption that I'm making, and I hope I can make it quite accurately, is that we're all serious about constitutional reform and, to reflect on one of the previous speakers, we're not really concerned with nitpicky, cornflakes box issues. That's not to say, not about Senate reform, mind you; that's a different matter entirely. The third is that the purpose of this round of constitutional negotiations goes far, far beyond simply developing a revised list of powers or division of powers or rationalized list of powers. Rather, I think the problem of the Canadian Constitution goes far deeper than simply the content of the Constitution itself. It goes to the process of executive federalism and the legitimacy of the process, in many respects, of parliamentary democracy in Canada. Those, then, are the assumptions. I'm not sure I have any magical solutions to the problems that those engender, but perhaps something will emerge.

To me, the central paradox facing the Canadian federation at the moment is that to keep Canada together, there would appear to be a need to further decentralize the Canadian state in terms of the division of powers between the orders of government. Here I refer directly to the Allaire report. This paradox, if it can be called that, is by no means anything new and is in fact associated with the very nature of the process of executive federalism itself, or at least it is as far as my research is showing. Largely, what I'm suggesting here is that the process of executive federalism by which 11 members or ministers sit around a table and bargain – although that stereotype is by no means accurate in all cases – that process itself has a tendency to lead to decentralized solutions or to the provinces winning, more so than the federal government. There were some glaring counter-examples, of course, in the Trudeau years, mind you.

The challenge is then, as I see it, to resist the temptation to decentralize Canada to such a degree that the Canadian state, in fact if not in form, ceases to exist in any meaningful way while at the same time reaching an accommodation which will satisfy many, perhaps not all, of the legitimate aspirations of the major stakeholders in the Constitution. By stakeholders I refer here not only to Quebec and the provinces but also to the public and, very importantly at this juncture, to the First Nations of Canada.

The theoretical structure, I think, that works here – and you know, as an academic one always talks about theory, for whatever it's worth. Alan Cairns of the University of British Columbia has observed, and correctly I think, that there are in fact two basic constitutional visions in Canada. The one vision is that the Constitution is something that governments own. That's, of course, the executive federalism model, where the 11 ministers meet. The other vision is that the Constitution is, in fact, something that the people own, that it's the people's document – the Charter of Rights, et cetera – and that the Constitution is therefore meaningful to people.

The executive federalism model that we've seen in its glowing, glowing failure at Meech Lake is precisely a failure of the government's Constitution model or vision of the Constitution. What I'm suggesting here is that the fundamental problem of Meech Lake, which relates both to the substance and the process of Meech, was that the constitutional reforms proposed at Meech very clearly impacted on the so-called entitlements of various groups. We've heard about section 23 groups; we've heard about other groups. It very clearly affected the entitlements of these groups or potentially affected the entitlements of these groups – native self-government, aboriginal issues, et cetera – and the process itself was illegitimate because it did not include those groups in the negotiations.

So we've got both a failure of substance at Meech and a failure of process that I think relates back to the two constitutions thesis. What this means, to me at least, is that the process of constitutional reform is in fact related to the outcome of constitutional reform, that the process in some ways determines the outcome. Not a one-to-one correspondence, not a correlation, co-efficient of one or however we want to look at it scientifically, but there is a strong correlation between the process being utilized and the outcome that emerges.

Executive federalism. We can argue about this, but executive federalism as currently configured can be seen as serving the interests of governments, not the interests of the people. I use my words very carefully here: "can be seen as." I'm in no way accusing governments of looking out only for their own interests. I leave others to accuse governments of that and parliamentarians to accuse themselves of that. [interjection] They do. But it "can be seen as" that. I think that's a great, great problem, and we see now in Canada a very profound lack of faith in government to do anything, let alone to do anything right. One of the problems, then, of executive federalism is that when you get 11 guys, typically, sitting around a table in an all-nighter or however the stereotype goes, it's whose interests? It's the government's interests that are being seen as being served by that.

On the other hand, the Reform Party of Canada as well as some other groups – I'm sure you've heard of them – have been calling for constituent assemblies, where it's a grass-roots, bottom up process, where somehow through some mystical process, or at least it seems to me to be some mystical process – and I'm probably going to make more enemies than friends tonight – a Constitution emerges from the grass roots. I don't think it works that way, but it at least addresses the legitimacy question. It seems to me that there's probably some point in between and that we should be very careful to set our criteria very, very tightly in terms of what we want out of a Constitution anyway.

We've heard a lot about transparency of process. Your hearings are part of that. We need that. We also need at this juncture to satisfy Quebec's aspirations. Now, this seems to pander to Quebec, and I've been accused of being soft on Quebec and accused of a lot of other things; that's perhaps not the worst of them. We have to recognize that the crisis we're in is fundamentally a crisis of Quebec. It is, after all, Quebec threatening to leave Confederation, so we have to deal with that. Now, the optimal process for dealing with Quebec would seem to me to be a process of executive federalism, yet we've got a legitimacy problem there. We also hear repeatedly calls for no special status for anybody: no special status for Quebec or for Alberta or for Indians or for Italian-Canadians, for that matter; no special status. Well, we've got a problem. The nature of the Canadian federation is such that there has been special status in the past, there is now special status, and there always will be special status. It's a question of: do we have the guts to recognize special status? I think in many ways Meech, in recognizing Quebec as a distinct society, had the guts to at least recognize that there was something different. Now, I was not a supporter of Meech; I'm still not a supporter of Meech. But the recognition that Quebec is different is very important.

8:20

One of the structural solutions that your committee might consider in terms of special status and how to in fact sell special status if that's what you or your government are going to agree to is that rather than to allow Quebec only to have this jurisdiction, to develop an opt-in provision on constitutional amendments – not an opt-out provision but an opt-in provision. Model it largely after the bilingualism opt-in pursuant to New Brunswick and to some extent the notwithstanding clause, the opt-out provision with a sunset. So an opt-in: have a permissive grant or division of powers, where provinces may opt into this grant of powers by a special legislative declaration with a five-year sunset. Consider something on that level and we might be further ahead, such that you can get away from the special status and still get Quebec what it seems to want.

Institutional provisions: the government of Alberta, of course, is on the forefront of the triple E model. Some discussion on that could go on, I think quite fruitfully. I think it's necessary.

Let me just close by saying that in terms of the division of powers itself there are probably no powers the Alberta government really needs that it doesn't already have. It probably has a sufficient grant of powers, as do the other provinces. Quebec clearly argues that it does not have sufficient powers, and hence the opt-in provision might be something to investigate.

In terms of the amending formula for the Constitution, clearly the 1981 proposal of the federal government to allow for recourse to referendum would be a useful beginning – a recourse to referendum but not necessarily referendum.

The other issue that I think necessarily has to be dealt with at this point in time is native self-government. I think this issue has to be resolved at the same time as the Quebec negotiations. It has to be resolved at least in principle, a recognition of the right to native self-government, although Alberta at one point in time was very close but backed out of that recognition. Largely because anything that helps Quebec or that is seen to help Quebec or seen to give Quebec more powers can be, and indeed will be, interpreted as potentially undermining native rights, at least within the province of Quebec, I think that has to be dealt with.

Lastly, the constituent assembly model, or: how do you go about constitutional reform anyway? The constituent assembly model as it stands is ill defined but, as I understand it, generally entails delegates from numerous groups being elected by the groups they represent or the public to sit over a period of time and to arrive at the text of a constitutional package which then goes to the Legislature and somehow back to the public. I'm not sure that this model would work, largely because legitimacy would depend on the legitimacy of the groups in the first instance.

I'd propose an alternative model, a delegation model, which is not formalized in the literature yet. Hopefully it will be, assuming I can defend this dissertation. The idea here is that the process of constitutional reform would be such that an agenda for an FMC is set up to a year in advance of the FMC and made public. The provinces and the federal government would make discussion papers public up to 10 months in advance, much as Alberta has done, public hearings would be held in each province as well as nationally up to eight months in advance or some time line, the province and the federal government would develop position papers, and public hearings would be held on the position papers. The most important aspect of this is that delegations of parties directly impacted by the proposed changes would be invited to attend or make presentations at the First Ministers' Conference. This is in fact similar to the model that was utilized in the ill-fated aboriginal conferences of the mid-1980s, but it could be effective, at least in terms of having some impact.

In any event, we can reflect on other structures or other matters as you see fit. Those are some of my major ideas in any event.

MR. CHIVERS: Scott, a very thoughtful and thought-provoking presentation. I wonder if you could expand. There are a lot of questions I'd like to ask you, but this is the one I will ask you so the other members can have a chance. I'd like you to expand on what sort of model you see for native self-government.

MR. McALPINE: I do not see one single model being applicable for native self-government. I would see it as being as idiosyncratic, perhaps, as provincial or as municipal governments, where the grant of powers – or the assertion, more correctly, of powers – is determined largely by the needs of each individual band. The legislation enabling self-government, I would suggest, would be permissive legislation with opt-in: this is the range of powers that is available; those bands, those councils which wish to opt into these can opt into these. They are, you know, basically a hunt and peck, a shopping centre or a shopping cart.

MR. CHIVERS: Right. Of course, the problem with the provincial model is that these interests cross provincial lines in many instances, and probably territorially it's impossible to use the provincial model. The municipal model, however, is a bit more promising.

MR. McALPINE: The problem with the municipal model is that municipalities do not have constitutional status. I would think that if you take seriously Jan Reimer's suggestion from a few days ago that you entrench municipal status in the Constitution, then one may be able to entrench a municipal form of native self-government in the Constitution.

I think, though, that what is really most important at this point – and I think we can talk about models further on down the road – is the recognition of the right of self-determination. It doesn't have to be the detail. At least, I don't think it has to be the detail. Others are more competent to comment on that than I am. But I think the recognition of the right of self-determination is what's critical at this point.

MR. CHIVERS: Thank you. I wish we had time to pursue this.

MR. DEPUTY CHAIRMAN: The next is Nancy.

I might remind committee members we've now exceeded slightly the 15 minutes, but the list indicates that the committee members are very interested in your presentation, Scott, so we'll hurry up. We'll try to make things as tight as possible.

Nancy.

MS BETKOWSKI: Well, I'll be fascinated to read your full thesis, but I appreciate the overview of it and thought it very constructive and very helpful. You touch upon an area of interest that I have with respect to enhancing the democratic model of seeking public input and the public perceiving that it is in fact a very legitimate process of public input, yet you recognize the cumbersome nature of the process and how we get along. My question is really on your suggestion of the opt-in. I don't fully understand what you mean. Can you give me an example? Who wouldn't opt in, particularly if you accept the current rhetoric, which is that all the provinces want is more power? Perhaps you could explain that further.

MR. McALPINE: Probably Clyde Wells.

MR. DEPUTY CHAIRMAN: And Sheldon.

MR. McALPINE: Right.

Let's use an example that was brought up previously, and that's environment. I know environmental jurisdiction is contentious at the moment, to say the least; peace, order, and good government perhaps attributing some jurisdiction, resource power, et cetera. Let's assume that environment, which is among the list of powers the Allaire report contemplates for Quebec, is given to the provinces or at least allowed to the provinces. A province may opt into jurisdiction over environment by a declaration of the Legislative Assembly of that province with the sunset provision that that declaration or resolution would have to be re-enacted after a five-year period.

You could take that a step further, too, if you wanted. I'm not sure as to the wisdom of this, but an idea would be to have opt in by referendum within the province. That would perhaps satisfy the concerns of some of the predecessors, that in fact governments will always opt in because they want power. But the public, of course, is nicer than governments. And maybe we are; maybe, maybe not. So you might take it a step further and have opt in by referendum. That would be one way of ensuring that the power is absolutely wanted to be resident in the provincial government by the public. It's not simply a mad power grab by those evil people in Edmonton or Charlottetown or wherever.

MS BETKOWSKI: Hence, to take it a step further, it could be a vehicle of national standard. In other words, if you're willing to accept this level, then you would opt into that because it would be constitutionally protected.

8:30

MR. McALPINE: That's correct; yes. Absolutely.

MR. McINNIS: I think we may not know for sure whether the public is nicer than the government, but we know the opposition is for sure.

My question is essentially the same one, but I want to approach it from a slightly different angle. The Allaire report has a whole list of powers, and I think there's a similar list in Bélanger-Campeau. It's not quite the same, but there's a whole list of them. Are you suggesting that the whole list be put out there and it's sort of left to the good will, if you like, of the other nine provinces not to grab the whole works of them, or are you suggesting that we might end up agreeing on a much smaller list? We would kind of understand around the table that Quebec's going to take these powers and the rest of the provinces likely won't because we want a Canada. This is all by way of getting around the problem of special status.

MR. McALPINE: Yes. I would presume the latter, a more limited list than Allaire contemplates. To me the Allaire report, if implemented, would create a much more highly decentralized federation than Europe in 1992. So if Allaire were implemented in its fullest, we would cease to be a recognizable nation state. The problem here, then, becomes a problem of negotiating room, and it's not something that I can answer. Unfortunately – and I hate very much to be a defender of executive federalism – but what the negotiating room of Quebec in fact really is is something that has to be found out in the back rooms and the back halls and the corridors.

I'd want a much more limited list than Allaire. In particular, I'd suggest that there be a strong reticence by Alberta and by other provinces as well to eliminate those areas that Bernie mentioned as federal jurisdiction. I could see a limitation on future spending power but not a limitation on current spending power of the federal government. Again, that addresses the pension, the health care, the postsecondary education, basically the areas covered under the welfare envelope or EPF. I would resist very strongly any temptation to strip those powers from the federal government.

A limitation on new federal spending power utilization: I don't see any particular problem with it, again subject to the opt-in provisions; in fact, your point that it could be used as a vehicle for standard.

MR. McINNIS: It seems to me it would be simpler just to go the asymmetrical or special status route. What you're saying is that that's not going to fly with the public, so that's why the other proposal.

MR. McALPINE: I'm not sure that it would fly with the public; in fact, I'm quite convinced it wouldn't fly with the public. I know of one political party that it certainly wouldn't fly with, perhaps a couple. I also don't think it's necessary to run an asymmetrical federalism in Canada; you know, where Quebec has one thing and English Canada another. I think that's a creation of two solitudes, to misuse the metaphor. If Canada is as diverse as we all say it is, then does it make sense that Alberta has this list of powers and Saskatchewan the same and Newfoundland the same and that we have to simply utilize within that jurisdiction, or is it possible that there might be something that Newfoundland needs more than Alberta does? I would suggest that although the ogre of special status raises its ugly head every time one contemplates Pierre Trudeau, there's probably no choice. If we want to maintain Canada together, either one's going to have to grant Quebec special status in one way, shape, or form, or Canada's going to fall apart. The question here becomes: special status for whom? This becomes a mechanism of special status for all but with some very, very severe subject-to provisions that also satisfy democratic criteria. Maybe it's not the best, but in my estimation it's the best possible that I can think of, at the moment at least.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. You certainly have given us enough to continue a discussion for several hours, which I know the chairman won't allow.

MR. DEPUTY CHAIRMAN: The chairman is getting testy right now.

MR. ANDERSON: I might just say that if Roger Gibbins has trouble with your thesis, you might recommend him to us.

In terms of your suggestions, first with respect to the opting-out or opting-in provision, I think that is very much worth consideration. I agree with your assumption that an asymmetrical federal state, at least as defined in current literature, would be unlikely to be accepted by the provinces of Canada and that many of us would feel much better having equal ability to opt into a process rather than giving someone special status, as we see it, in the process. There are details that I'd love to have time to discuss with you in terms of what exactly you could opt into and how far that should extend into the possibilities, but I think it does give us a window of possibility that hasn't been explored as much publicly as perhaps it should be.

I also agree with a lot of your statements on executive federalism. I assume you'd agree with me that executive federalism has really evolved as a result of there being no other equalizing mechanism in the nation to the population imbalance question that we have. So if a triple E Senate, for example, were evolved, it might at least reduce the obvious nature of that.

MR. McALPINE: I'd just like to comment on that for a moment. Some previous proposals on or discussions of triple E Senate and in fact some of the literature have suggested that the triple E Senate will kill executive federalism. Well, I'm not sure that executive federalism is alive and vibrant anyway, but the jurisdiction – we have to be very careful of this. About 60 to 70 percent of the matters that came before the First Ministers' Conference since 1906 have not been matters of federal jurisdiction; they've been matters of either shared or contentious jurisdiction. There is no way that the Senate is able or competent or should be enabled or competent to deal with matters of intergovernmental concern or jurisdictional dispute.

I don't see a triple E Senate or a double E Senate or any Senate as undermining the First Ministers' Conference in any way, shape, or form except perhaps at the margins, where really all the FMC does is share information anyway and posturing; you know, where the federal government announces a nice new program on western grain subsidization or whatever. So I think a triple E Senate would undermine executive federalism at the margins, maybe, but at the core of it, no, regardless of how flawed our national institutions are and regardless of how flawed executive federalism is and until we have a Constitution etched in stone for all time, which I'd resist anyway. We still need a process of meaningful intergovernmental negotiations.

MR. ANDERSON: I don't disagree with that. I'm going to make the chairman happy and resist a real temptation to get into Al Cairns' theories with regards to people versus government. I think there's a third dimension there, but maybe another time.

I am interested in the process you're suggesting to try and allow for more public input into the First Ministers' Conference item. What strikes me right off the top is that the greatest problem would be reaction time. Can we in a fast moving nation in fast moving days tell 10 months in advance what the most important items on a First Ministers' Conference agenda will be?

8:40

MR. McALPINE: I'm not speaking to this as the First Ministers' Conference. I'm speaking to it as a process of constitutional reform. I see no reason whatsoever to scrap the FMC in its functions other than constitutional reform. So it's simply a constitutional reform package.

To the extent that the Meech Lake accord as well as the Regina accord previous to that set an agenda for an FMC for constitutional FMCs, as well as the 1982 package set the aboriginal agenda in many respects, to the extent that the agenda has been set in the past for a constitutional FMC, I'm not sure we have a particular problem of time lag. If we do have a particular problem with time lag or response time or however you wish to put it, I'm not convinced that it's really a problem at all, because in my view constitutions shouldn't be easy to change and shouldn't change with the wind, whichever direction it happens to be going. So I'm not sure that it's a problem. It would be if this were replacing the entire FMC, but I'm suggesting it simply in terms of constitutional reform or a constitutional package.

MR. ANDERSON: I see. And you don't see a problem with the number of groups that you would have to satisfy in terms of the presentations to be made.

MR. McALPINE: A massive problem. And you guys have that *problem tonight*. You're over time; you've got more people here. So you have that problem. Democracy isn't efficient.

One way of doing that would be to limit the number of formal delegations to three delegations per province, one delegation being the provincial government if it wishes, which it will, and two other delegations, and leave it up to the province and the provincial government to decide which delegations. Then you might have a quasi-judicial panel, an all-party panel, or whatever rule on who gets to come and who doesn't get to come. You know, you'd have your complaints and whatnot after that. But put some limitation in there; don't have it an open free-for-all. The free-for-all comes before the FMC with public hearings like you're doing right now or like Spicer, which are in many respects a free-for-all.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Pearl, quickly.

MS CALAHASEN: I wanted to just touch very quickly on Meech Lake. You brought it up as an area which you disagreed with. I think you based it on the process as well as the substance and how it failed. Yet when you look at how Meech Lake was structured, it was more like executive federalism of sorts. In your comments you also said that executive federalism, however, is still probably the way to go in some of the cases in terms of getting the information or the decision-making that has to be done. Why do you think Meech Lake was such a failure under those two particular items?

MR. McALPINE: Well, I think we should get our historical record quite straight here. Meech Lake and the Meech Lake conference itself in 1987 that got us the accord is totally unprecedented in Canadian history, totally. There have been no other first ministers' conferences that addressed a matter of such great concern that were attended simply by 11 first ministers with a couple of secretaries in and out of the room. So Meech Lake is absolutely one hundred percent unprecedented. The norm is that somewhere around the neighbourhood of 170 people were at FMCs in the 1960 to 1989 period. So not 11 guys, okay?

Meech Lake failed because of the process and because of the substance. The substance of Meech Lake so vastly changed potentially the Canadian Constitution that the process became immediately suspect. Here I'm referring to the amending formula and to the ambiguity of the distinct society clause. What does it mean? "Well, we're not sure what it means, but let's entrench it for all time anyway." Well, you know, I have a problem with that.

MS CALAHASEN: Thank you.

MR. McALPINE: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Scott.

MR. McALPINE: You're very welcome. Thank you.

MR. DEPUTY CHAIRMAN: Oh, excuse me.
Sheldon.

MR. CHUMIR: Just very briefly. I sense that you are not philosophically an advocate of decentralization.

MR. McALPINE: Not at all.

MR. CHUMIR: Okay. Then I think you defined the problem precisely as I would have defined it: how to resist decentralization to the greatest extent possible in light of the fact that there are some realities in trying to meet the situation we have with Quebec.

MR. McALPINE: I'm having difficulty here, and excuse me, because it's as if there's a continuum between centralization/decentralization and there's a magical point here that's called balance. I'm not sure we've ever found the balance, and I'm very sure we cannot find a balance on centralization/decentralization that will satisfy all provinces for two years, 10 years, two minutes.

I think we have to be very clear on a reality. The federal government has a much different presence in Alberta than it does in Newfoundland. In Alberta federal government expenditures in round figures amount to somewhere in the neighbourhood of, say, 20 percent of gross domestic product. In Newfoundland federal expenditures, including transfers to persons and whatnot, are more in the neighbourhood of 40 percent of gross domestic product. Even so, we have a very different level of centralization/decentralization in fact in all the provinces right now. All I'm proposing or suggesting as the best possible is to say: "Well, okay. Maybe jurisdictionally this should occur as well, and there should be some give and take, some flexibility." Maybe you could call it flexible federalism; I don't know. Find a term. You guys are good at that.

MR. CHUMIR: Well, what I'm trying to determine is what position you as an Albertan want us to take as a beginning bargaining position, particularly with respect to medicare and social programs, because the provincial government has indicated that it would like its own view, not because it's forced to by Quebec. It philosophically wants to get the federal government out of medicare and social services. What we need to do is hear what bargaining position the people of Alberta want us to take, and that's what I'd like to hear from you: not what you feel we may need to concede or in respect of what Quebec wants, but what you would like to see.

MR. McALPINE: This becomes a difficult question. You're asking me then for a personal opinion, and academics perhaps aren't supposed to have that. I would suggest that the existing social programs we have, the major ones, the EPF programs, should not be bargained away. I'm not saying "under no circumstances," but that those should not be bargained away. More significantly, I think the Charter of Rights should not be bargained away. I think my ranking would be the Charter, then existing social programs, and you can go on down and rank them.

MR. CHUMIR: Medicare?

MR. McALPINE: No, I wouldn't bargain that if I had my druthers. But again, you know, to keep Canada together, what the heck's the difference if Quebec meets a national standard on medicare or is compatible with national objectives? What's the difference? I can't answer that.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. McALPINE: Thank you.

MR. DEPUTY CHAIRMAN: The committee would now reinvite Randy Layton. Randy, you'll probably regret having left the room, but it's nice to have you with us.

MR. LAYTON: Yes, the gentlemen that just left hit on the position. I come from the Assembly of Aboriginal People. I'm a representative, and what we are are protectors of the aboriginal rights within the Constitution, section 35. I have nothing prepared for you. I have something written in which we see as a constitutional response. Yes, we were at the position of the accord in '82. We sat for five years. We asked at that point in time of both the provinces and the federal government for self-government to be put in in principle and land bases in principle.

8:50

Meech Lake came to the table, and of course we see that the distinct society of Quebec would be put in in principle, nothing underneath it, no substance at all, which questioned the fact of some aboriginal people within the province of Quebec who were so highly stimulated that they went into a position of resistance, which in fact brought in 4,000 soldiers at that point in time.

Aboriginal rights, section 35, Constitution of Canada: Indian, Innuit, Metis. Today we look at our position of rights and we say: well, what are the rights and how do we embed this in the Constitution to affect all aboriginal people, whether they be Metis, within the boundaries of Alberta, Innuit, C-31, status, nonstatus, traditional? You see, we're really chopped up as a people. We've really been labeled out by both federal and provincial positions. Now, whether that's favourable or unfavourable, we see it now as a position of division, and when you divide a people, it's quite easy to conquer a people.

I'm not here to start any type of debate on the subject. What I would like to bring to the table as a representative is a jurisdictional question, that the aboriginal people of Canada do have a jurisdiction, and that jurisdiction will put into place self-government by the aboriginal people and their structures and processes: education, training, economic development including job creation, communication programming, health care, social services, language and cultural programs, leisure programs, justice programs.

A while back the Assembly of Aboriginal People was requested to go into the Paddle Prairie area, which was going into the Metis federation lands, which was going into a municipal position under a legislative body, Acts. Through those positions we noticed that what was happening was that aboriginal rights were being taken away at that point in time. It was like a trade-off. A man said here just a moment ago that he would not trade off his human rights. We will not trade off our aboriginal rights. The point is that we have to fight on a continual basic daily position to hold those rights and to develop those rights.

So the key that I see now is not a sovereignty question. It's not a question of saying that we want to separate in a total balance and become nations unto nations, governments within governments. We're saying: give us the opportunity. Sections 93 and 94 within the British North America Act: why can't we look at those positions? Why can't we look at those jurisdictional positions? If we're talking self-government, let's talk self-government. Let's not talk under a balance of saying that we're going into a land base such as Paddle Prairie or the federation land bases and turn them into municipalities. We know the track; we know the way it goes. All of a sudden we are turned into towns and we become municipalities, and what happens is that the other sector comes in, overrides the population, and it's taken away. It's history. It's historical. It's happened to us.

Marlboro is one example of a settlement that was never developed. It's five and a half townships. In 1938 the establishment of that. Within about four years it was taken away, because they said at that point in time that it wasn't agriculturally ready for those individuals or that those individuals didn't have a high population to take over five and a half townships, but the five and a half townships are still there. We're saying: okay; can we put those five and a half townships within a constitutional balance under an aboriginal right, put them into our jurisdiction?

Hey, let us try to handle it. Why are we always being told? It's either through the Indian Act or a legislative Act. Look at the old Metis Betterment Act: a parent to a child. Look at the Indian Act today: a parent to a child. Look at the racist content of those papers. Look at how that paper can take and assimilate, redevelop the religions, their spirituals, their economics, the development of their own cultures, take it and withdraw that and say, "We will assimilate them on their land bases through this Act, and when we're finished assimilating, we'll put them into the populace, and we'll forget." That's what's happened.

We say as aboriginal people that whether we're Metis, Indian, treaty, nonstatus, traditional, whatever label, we're all aboriginal people. We want to benefit from all the hard work that was put in place. But when it's put to you such as Quebec being put into place and in principle they would allow that with no substance – for five years we fought to put substance, to get the understanding of the Canadian public. Now today both governments are saying that it's too big a price tag. We're not worried about the dollars. If we have the land and if we have the opportunity with the land, there are resources there that we can bring forth under our jurisdiction and develop a sharing process.

Let's take Lubicon Lake. Let's take the way under an aboriginal position of a Constitution that they have been manoeuvred, developed. Yes, the Alberta government, a gracious thing with the land position that was brought in. Now, look at the games of negotiation. Look at the shut doors. Look at the close off. Look at the lumber company coming in. They're saying: "No, we would not come in your land base. That's an aboriginal right and position. We will not come in on your land base." They come in, and what alternative does a leader or a leadership have at that point in time but to say: "No. We have our jurisdiction." But that jurisdiction's withdrawn within the justice system, withdrawn immediately, taken away. The first example: a blockade by the Lubicon. People are saying: "We will surrender our lives for what we believe in and not in a violent manner, in a nonviolent manner. We will surrender under the Constitution, section 35, aboriginal rights." That is our substance. Do we have to, through this new Constitution, come to the table and take out Canadian citizenship? Is that what you're asking us: to take out that Canadian citizenship and deny our aboriginal rights? Because we are a distinct society. No matter what nations or what languages or how we appear, we are the distinct society. We are the original peoples of this land.

We are never heard. We have to have foreign people come into this country from all over – the United Nations, Germany, from South Africa – to say, "Listen to the aboriginal people," and our own people won't listen to us. We sat five years at a table. We wasted a helluva lot of taxpayers dollars. All we wanted was two things put in principle. After it was all over, the Canadian government said to us and a Premier said to us: we'll have to find the political will of your people. That's what they said in return, instead of working together.

If it isn't historically brought together from the beginning and looked at within our history to give our children – no matter if it's aboriginal, Russian, Ukrainian or anything – the substance of understanding what Canada is, if you don't start with the original people, you have nothing. I'm here to say that if we can put at least on the table jurisdiction for the aboriginal people, whether it be in the province of Alberta or the dominion of Canada – of the 32 fathers that sat in at Confederation, there was not one aboriginal person at that table. The British North America Act: not one aboriginal person at that table. The one man that held Meech Lake back, Elijah Harper, said: we are being denied, denied the country that we live in, the country that we developed, the country that we opened up, substance of pemmican and the substance of buffalo meat, the substance of clothing, the substance of transportation and the development of western Canada.

I'm an aboriginal person of Metis heritage who lives in Alberta. I say that I will stand for the aboriginal rights and protect those rights until the nth degree.

Thank you.

9:00

MR. CHIVERS: Randy, I think the previous speaker, Scott McAlpine, would agree with your proposition that what's necessary is to put it on the table and not necessarily to have a clear definition of what's involved in these concepts of jurisdiction and self-government and the land bases. If I understand you correctly, that's what you're suggesting, that the topic needs to be on the table. I wanted, however, to ask you – and I know you haven't got a definition for those pretty basic elements – about the urban populations of aboriginal peoples. Do you see them being under this jurisdiction, however ill defined it is at the present time?

MR. LAYTON: As you have said, it's a complex position, and I haven't got an answer. I don't think there is an answer until we work that out. But I think there has to be a specified jurisdiction for all aboriginal people, because what you see in the larger cities is a criminal position where oppression sets in. Because of maybe an economic but more of a humanistic area, they're institutionalized. Whether that be in a . . .

MR. CHIVERS: Yeah. I'm not asking how it would work; I'm just asking whether you contemplate that the jurisdiction would extend to urban aboriginals.

MR. LAYTON: Yes, it would take the aboriginal position as a jurisdiction for all aboriginal people wherever they reside, whatever population or area they are in. It has to be a singular thing. It can't be two. You know, he has brought out the complexities of it when he says that it's a very complex thing: cornflakes, shopping carts, and so forth, and so on. Where are we going to deliver this? To IGA? We go to the food bank. Now let me kind of bring it back. If that is the complexity that we're looking at, it has to be a total jurisdiction for all aboriginal people.

MR. CHIVERS: Okay. The next point, then, is the process. We've heard a number of models. The last speaker spoke in terms of a constituent assembly. That's something that's been mentioned by a number of the presenters. What sort of a model for defining this jurisdiction do you see, and who would speak for aboriginal peoples?

MR. LAYTON: I think there are many leaders out there. I think the leadership would take a role in that but also the communities would take a role because, as you say, communities are different. I think you would have to see a very strong working relationship with the constituencies, with the provinces, and with the government. I wouldn't want to get into a tripartite agreement or any of those types of agreement. We're touching on it now, a tripartite situation, with a framework agreement. We know what tripartites do. But I'm saying that we come to the constituency, to the constituent, bring it through the provincial balances, and take the provincial balance into the federal to unite our country. He's right. Why should Quebec get more than the original people of this land? And when the original people of this land voice an opinion, no matter how it is voiced, we're reprimanded. I see that we have to work it through. One thing that must be done: no matter what the structure or how we get the vehicle to draw this to the negotiating table or what those jurisdictions would look at – but a jurisdiction of aboriginal content – we have to work together. We've got to stop this redneck racism and this insensitivity, because I think we've grown enough to say that we have to meet at a table and get the truth out.

MS BETKOWSKI: Mr. Layton, let me welcome you to this table. Believe me, a lot of people have presented a view of the importance of aboriginal issues within the Constitution, but not many aboriginal peoples themselves have been to our table, so thank you for coming.

As Barrie raised, the whole issues are ones of substance as well as process, and I don't think there's a supremacy to either one. I think both are very vitally important. One of the issues of process is one that the federal government has suggested in recent days of setting up a model which would see stakeholders, communities of the aboriginal peoples themselves however defined, coming together in a constitutional discussion which would be within the framework of what we're all involved in right now. Would you care to comment on that kind of a model? Is there a better one? Is it the one? Should we express support for that kind of a process if the feds are going to proceed that way?

MR. LAYTON: Well, I guess what you saw was the position of the accord in '82. You saw how we as a people fragmented, how we had our own areas of what we wanted. We've gone through that process. We've gone through that evolution. Now all of a sudden there is some kind of a solidarity. To say whether Elijah Harper stimulated that or Oka stimulated that, there it is. It's slowly coming to be.

Now, I'm saying that we've never had the time. Like, we've been rushed since Confederation to conform to something that maybe we didn't understand fully, to say, "Okay, maybe our political structures are different." Maybe we should take it to an aboriginal referendum. To heck with Quebec. Let's go to an aboriginal referendum and say: "Okay, here we the aboriginal people have a referendum. Do you? Yes or no?" Bring our solidarity together like that. We have organizations fighting organizations, and the only ones that are being denied are the children of those organizations. Our forefathers looked seven generations ahead, not to today but seven generations ahead. We want to come back to that because, you see, we've had enough of the chickens and the feathers and whatever. We're saying that if one organization or one government or one body is crippling us, then we all come together, no matter how we feel.

MS BETKOWSKI: Then maybe I misinterpreted something you'd said earlier. You said that there are real differences of view amongst the aboriginal people.

MR. LAYTON: Very distinct differences. Some of our people are calling themselves unique.

MS BETKOWSKI: Does a referendum exacerbate that difference or try to coalesce the differences?

MR. LAYTON: Try to coalesce, because you've got to put one position down: do you believe or do you not believe in aboriginal rights? Yes or no? If you don't, then okay; the process of assimilation is there. It's already there. The vehicle is there. You take the process. If you don't, then the entitlements come through. But to take it to the Canadian public today and say it's a big price tag is foolish for any government, and that's what we're being hit with.

MS BETKOWSKI: Thank you.

MR. LAYTON: You're welcome.

MR. DEPUTY CHAIRMAN: Thank you.
John.

MR. McINNIS: It's a fairly specific question with regard to the Metis settlement Acts. I heard you say that you want to make sure that the institutions don't become in effect local governments. I'm not sure that the provincial government can create anything greater than local government by itself creating governments. If we look to a constitutional solution, if we took that legislation and tried to get it into the Constitution of Canada, do you think we've got the right model, or do you think we need to work more to get a better model?

9:10

MR. LAYTON: I think you have to look more into a nation factor. I don't think you can look into a municipality or that type of situation. I think you have to let us know that we are a nation no matter if it's symbolic. But don't put us under a texture that we understand that levies are taxes or put it into a context to the grass-root people saying, "Well, these are just levies," and all of a sudden for the first time in 50 years the man is paying taxes without any understanding. Okay? Now, when you get into that, then all of a sudden there's a sellout of our aboriginal rights, and we're saying, "This is all we've got left, fellas." All we've got to fight with right at the moment are our aboriginal rights. We're not going to use guns. We're not going to use tanks. You know, what's a .30-30 against a Sherman tank? We don't even think that way. We think in a nonviolent system, but we don't think in that type of a structure.

No one's asked us what are our political structures; what are our political vehicles; how did we work in the old days. By elders in council. But now they're starting to utilize their elders and organizations to embitter the organizations and take the elders and use them in the wrong manner. That's what we're trying to get at. That's our advocacy: to say that these rights are protected internally and externally. We're just saying: can we talk as peoples and not take the individual leaders as representative and say that we're making decisions for all when some leadership only has 9 percent of the total population, because we're not going to accept that, whether it be on any basis.

To answer your question, the structure that you have in mind would not work, because we see too many holes in it, and to entrench that type of situation means to entrench. We know that word, and we're saying no. Give us more substance, broader. Give us the right to put the substance into place by aboriginal people. Don't tell us any more. Let's work together, and we can maybe tell each other. That's our feeling today.

MS CALAHASEN: Thank you for coming, Randy. I really appreciate you being here.

MR. LAYTON: You're welcome, Pearl.

MS CALAHASEN: I just wanted to follow through on a number of issues that have been brought up by a number of the people here. Just to follow up on John's thing in terms of the Metis settlement accord that we've just signed in these last few months, the Metis people were involved, the Metis federation. They were the ones who substantially did up the particular Acts that were brought forward, and they passed it basically amongst their own people. There were, of course, some people who disagreed with it, and I think they had their own concerns relative to what was happening. Those Acts in no way prevent the Metis people from going further on a constitutional basis at the national level. It does not take away nor does it prevent people from taking that to a larger level in terms of being dealt with on a constitutional level.

The question that I have to ask is – Nancy brought it up quite well in terms of what is being proposed by the federal government. The federal government is saying, "Let's have maybe a sort of constituent assembly of sorts which will deal with aboriginal issues by aboriginal people." The question that I'd like to know is: is this an appropriate means of getting the information from the people, to be able to bring forward this kind of a discussion at this kind of a level, sort of like a parallel to this kind of thing that the Spicer committee was doing. That's number one.

MR. LAYTON: I think you know my feelings on that, Pearl. It's that you have to come down to community levels. The only answers are at community levels.

MS CALAHASEN: Wouldn't they then be going to the community level, though, if there were people who were from the aboriginal community who would be going to talk to the people whom they see are the community people?

MR. LAYTON: As long as the levels don't come down like Mr. Clark stated in Edson: that you go to your representation. We're always referred back to representation. I know what you're driving at: is the constituency moving to that type of accord and saying: "Okay, fine. This is where we're coming from. This is the heart and the mind speaking together." There's a whole bunch of trust that has to start to build again as a reprocess of trust.

MS CALAHASEN: The trust element has not been there and is not there. So how does a government or a group of that nature then – would they not have that trust element established where they can start from that level? Because I agree in that sense.

MR. LAYTON: That is the first thing, and then you would have to step on from there. We don't even trust some of our own leadership. That's how the mistrust is coming. There are too many gifts. There are too many things to say: "Okay, here. This is what you're going to get. This is your organization." Then all of a sudden you have a lot of children being very hungry, and that's the fact of it. You've gone through the north, and those are the many facts of it: criticized because we're on social services, because we have to get some kind of subsistence living because of the lack of equal opportunity. We can get into all that, but . . .

MS CALAHASEN: There are different kinds of self-government which have been sort of recognized throughout Canada, I think, when we're looking at the self-government aspect. It differs, I think, from province to province or community to community and probably even from aboriginal people to aboriginal people. I would like to find out what your view is in terms of the powers of self-government or even what kind of powers you would like to see something like that have or a definition which would sort of give us some idea as to what direction we should be going.

MR. LAYTON: First of all, and as I have come here, is direction of jurisdiction, and that jurisdiction would have to be simply laid out within the position of the jurisdiction. That jurisdiction that would be quoted is just like social services, health care, whatever the position of jurisdiction is, and that would be right across.

MS CALAHASEN: So specific areas.

MR. LAYTON: Well, the area would adjust to that mechanical environment, but the jurisdiction would still be put into place as far as education. There is some kind of flexibility, because we all have to live in this country. Some more radical are going to say sovereignty on the position. Hey, we can look at the positions on that. But we have to live as people within Canada, and we're just saying, if it basically comes down to it, equal opportunity. Don't just run us by with programs and services and dollars and this. Equal opportunity. Everybody says that everything is counted by dollars. I'm saying: no, they'll come. When we prove ourselves, they will come. We'll do that ourselves. If it's called self-determination or whatever the termination may be, but give us the opportunity to be determined.

MS CALAHASEN: One question I want to ask is: should aboriginal people be given special seats in a Legislature or special seats in the House of Commons?

MR. LAYTON: I think Elijah Harper does this wonderfully, and you have done this wonderfully too. If we want to have equal opportunity, we have to be equal. I think we have to gain those seats, and I think we have to be recognized by who we are. I don't think there should be any special status.

MS CALAHASEN: Thank you.

MR. LAYTON: You're welcome.

MR. DEPUTY CHAIRMAN: Thank you very much, Randy.

MR. LAYTON: You're welcome.

MR. DEPUTY CHAIRMAN: Would John A. Croken please come forward.

MR. CROKEN: Being on the school board and realizing, Mr. Chairman, that you have a problem here, I'm involved in problem solving, so I'm going to solve your problem on time. My brief will be brief and to the point.

As chairman of the Grande Prairie Catholic school district No. 28, I'd like to thank you on behalf of our board for the opportunity to meet with the Select Special Committee on Constitutional Reform and share our feelings about constitutional issues as they pertain to separate schools.

The protection of separate school district rights. Pursuant to section 93 of the BNA Act of 1867 the Legislature exclusively makes laws in relation to education in and for the province of Alberta. By that authority the province exercises absolute discretion subject to the condition of not prejudicially affecting any right or privilege with respect to separate schools which any class of persons had pursuant to the school ordnance of the Northwest Territories. The rights of separate schools were, therefore, retained in the Alberta Act of 1905 and more recently were reaffirmed in the Alberta School Act of 1988. The preamble of the present School Act clearly states:

> There is one publicly funded system of education in Alberta whose primary mandate is to provide education to students through its two dimensions, the public schools and the separate schools.

Our recommendation: that the Select Special Committee on Constitutional Reform ensure that any involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights presently afforded to Albertans under the Canada Act 1982, section 93.

As a separate school district we appreciate the positive approach the Legislature has taken in the past to enact legislation or regulations that enhance the opportunities for all Alberta schoolchildren. We thank the committee for the opportunity given to us to make our concerns known and appreciate any consideration that might be given to addressing these concerns. Thank you.

9:20

MR. DEPUTY CHAIRMAN: Thank you very much, John. As we said in Fort McMurray last night to a similar presentation, you're strongly in favour of the status quo in this part of our Constitution.

MR. CROKEN: Yes. Yes, we are.

MR. DEPUTY CHAIRMAN: Are there any other questions by any members?

We do believe that your brief is very clear and understandable, and I don't think it is really subject to questions. We appreciate hearing from you because when there are so many things being talked about and so many things on the table, I think it's very important that people make their point of view known, or else they could get lost in the shuffle.

MR. CROKEN: That's right. People may think it might not be a concern, and it is of ours.

MR. DEPUTY CHAIRMAN: Thank you.

MR. CROKEN: Thank you very much.

MR. DEPUTY CHAIRMAN: Next presenter, John Malthouse, if he's present. He may have succumbed to . . .

UNIDENTIFIED SPEAKER: He's not here, Stan.

MR. DEPUTY CHAIRMAN: No, not here.
Then Campbell Ross. Welcome.

MR. ROSS: Good evening. Thank you. I'm appearing this evening on behalf of the Grande Prairie chapter of CPF, Canadian Parents for French. The brief is very short, and with your permission I'll just read it, and if there are any questions, I'll try to respond.

CPF, or Canadian Parents for French, is a national network of volunteers to provide support for French-language education in our schools. CPF recognizes French and English as Canada's two official languages and believes that Canadian students should have the opportunity to become bilingual in these languages. This has created a particularly strong historical relationship between CPF and the French immersion programs, but CPF's most recent mission statement commits CPF to support all French-language education. It should be noted that Alberta is the third-largest provincial branch in CPF, making up 15 percent of the total membership.

CPF, the children, and the program it supports represent a commitment to making continually more meaningful one of the more major circumstances which have defined our country for generations and from which major political and cultural patterns have emerged. We are a country whose definition of ourselves has continually expanded and broadened as we have expanded geographically and demographically. To a very important degree this trend has occurred because the existence of two major language groups in our country from the beginning has simply not permitted us to follow the traditional pattern of constitutional and cultural policies in nations with greater ethnic and linguistic homogeneity, such as in western Europe or those, like the United States, with a pattern of heterogeneity in which none of the minority groups comes close at all to the dominant group in size or historical influence. This has always made cultural and political policy in Canada a much more demanding task than in these other countries, and sometimes we have fallen short in episodes of bitter confrontation or isolation. But at our best – and this is surely what we should seek to maintain – we have made this a creative and not a destructive tension.

Historians frequently refer to this creative tension between French and English as the umbrella under which we began the tentative progress towards the multicultural society which has become so essential to our expanded definition of ourselves today. The historical relationship between the evolution of the two policies is complex but nonetheless real from the time of the settlement of the west before World War I up to the emergence of the federal government's 1971 statement on multiculturalism, which arose out of the Royal Commission on Bilingualism and Biculturalism in the 1960s.

Key to both of these processes in postwar Canada has been the willingness of the federal government to establish and support national policies on language and cultural affairs in all regions, even though the language and cultural demographics may vary widely. This is a very important point to emphasize because of the tendency of critics of federal government language policy to point out the uneven numbers of French and English speakers across Canada. The same unevenness occurs with regard to the ethnic pattern of multiculturalism. In other words, the transfer of authority over language and cultural policy to the provinces would very quickly produce wide differences in an area of policy that is essential to our sense of national community. Can we seriously believe that the dismantling of federal government support and responsibility for encouraging bilingual education might not soon be followed by the erosion of legislative and financial support for multiculturalism? Only by creating and maintaining an important degree of federal initiative and authority in these areas have we been able to transcend the centrifugal pressure of different patterns to create a more generous and humane definition of our national community.

We, the Grande Prairie chapter of CPF, urge that your committee recommend to the government of Alberta that its constitutional proposals energetically support the continuation of federal responsibility for official bilingualism and for support for publicly funded education systems which offer programs to enable young Canadians to become bilingual. To move in the other direction, for the federal government to transfer all jurisdiction over language and culture to the provinces, might very quickly throw more than 100 years of national development into reverse, a process of dismantling that might spread at frightening speed from language policy to multiculturalism, from national economic programs to the very existence of Confederation itself.

MR. CHUMIR: If we have time, I'd be happy to ask my standard question that I think is so fundamentally important, and that relates to the issues generally of centralization versus decentralization of powers and the suggestion by some that the provincial government should be taking over all jurisdiction with respect to areas such as medicare and social programs, as opposed to the competing vision that it's important to the nation that there be a strong federal presence with common national standards as established by the federal government. I'd be very appreciative, if you have an opinion on that, if you would give us the benefit of your thoughts as we proceed into our deliberations.

MR. ROSS: Well, thank you. I would respond, first of all, by saying that as president of the local chapter of CPF the view taken by that organization would be that the federal government should continue to maintain its responsibilities in language policy and cultural policy. For the other matters which you raise, I would have to doff my hat as president of the CPF and speak personally and say that my own wish would be to see . . . So long as we try to maintain or wish to maintain a real sense of Canadian citizenship, that must surely involve an entitlement to the same level of services no matter where it is we live in our country. Therefore, I would support a very strong federal presence and federal standards in these national programs.

MR. CHUMIR: If you were asked whether this could be accomplished equally by individual provinces having the jurisdiction and coming together to agree on some standard, would you think that that would be as acceptable or as effective as having a federal power in those areas?

MR. ROSS: By all means. I think that could be quite creatively considered, yes.

MR. CHUMIR: Great.

MR. DEPUTY CHAIRMAN: Are we satisfied?

MS CALAHASEN: First one, right? First one that agrees with you.

MR. CHIVERS: Campbell, I don't know whether you were here earlier this evening when we had a presentation from the Falher consolidated school district. They described a problem that's developed for them in terms of the delivery of French-language programs. I'm just wondering if you have any observations. They suggested that the resolution of that problem is to repeal or rescind section 23 of the Charter, if not the Charter in its entirety. I'm just wondering what your views are, and if you're familiar with the problem, do you have any observations?

9:30

MR. ROSS: One of the things that I have come to experience within CPF is to become very sensitive to the relationship between French immersion programs, for example, and Francophone programs.

MR. CHIVERS: I don't want to put you on a spot. If your answer is that this will put you in a difficult position . . .

MR. ROSS: Our position would generally be to support French immersion programs and bilingualism, and I would say that CPF is at the moment in the process of trying to empathize as much as possible with the concerns that are raised by Francophones. I'll leave matters there just now. Thank you, Barrie.

MR. DEPUTY CHAIRMAN: Nancy would like to make a comment.

MS BETKOWSKI: I don't think I have a real question. Recognizing that the language and culture is one thing, education certainly is another – and I think, to the credit of groups like CPF, we have about a third of our kids in this province in French programs. I think the work you do to ensure that access as broadly as possible is very important within the provincial jurisdiction on education. So I thank you.

MR. ROSS: Thank you very much.

MR. McINNIS: I have a quick question, Campbell. It was suggested to us by a parent at another hearing whose children are in French immersion that she'd only done that because the federal government shoved it down her throat, basically. Is it your impression among Canadian Parents for French that most of them are in the program because they think it's sort of required of them by the federal government, or do you really think the parents desire that opportunity for their children?

MR. ROSS: My own experience has been that the parents enter into it as they enter into most large-scale schemes for their children: with a mixture of excitement and trepidation. They wish the very best for their children. They don't want to put their children in a situation where they might fail. I would wish to give very large credit without taking anything away from parents who have decided to follow the other route, because we have two children who follow quite different routes. Generally, parents who have enrolled their children in French immersion have done so with mixed feelings, with some uncertainty, with some feeling of risk. These risks involve most essentially the fortunes of their own child. But to some extent they also represent an investment in the country as a whole. If you were to try to identify any group of parents with children presently going through the school system who have invested the most, perhaps, in the continuation of our national experiment, it is probably the parents of children in French immersion.

MR. McINNIS: This is an awkward sort of a question, and you don't have to answer if you don't want to. If Quebec were to separate from Canada, do you think you would want your child to continue in the French immersion program?

MR. ROSS: Well, our child would continue because of the age that they're at. If we were beginning a child, if Quebec were to separate?

MR. McINNIS: I know it's hypothetical.

MR. ROSS: We would think about the matter longer than we thought about it before, not that we didn't give it a great deal of thought. We would think about it much longer.

MR. McINNIS: Thank you.

MR. DAY: I had just one question, but I want to follow it. Why would you think about it longer? What would be the difference?

MR. ROSS: Because we would be essentially reduced from two main reasons for considering enrolling our child in French immersion to one. At the time of the enrollment of our child, there were two matters at work. One was that we felt persuaded by the educational arguments about the value of learning a second language in this way and what it could do to a child's abilities and perceptions and empathies and so on. The second argument was because we felt it was an appropriate thing to do in this country. If Quebec were to separate, the second argument would not apply so much.

MR. DAY: Just to clarify. If we have presenters reading through *Hansard* of us giving interpretations of what was said, I think the parent that was mentioned by Mr. McInnis would feel slighted that she felt the program was slammed down her throat. What she had said was she felt that because of federal policy that goes in hiring in the civil service, her child would have a better opportunity on the hiring end. So it wasn't really shoved down her throat.

You mentioned level of services. Would it be your wish that French service be provided regardless of numbers in a particular geographical area? Is that what you were saying?

MR. ROSS: No. I'm not sure to what extent I put emphasis on that.

MR. DAY: No, there wasn't much. That's why I'm asking.

MR. ROSS: Oh, I see. I think it is very appropriate to make level of service reflect numbers present and also the kind of service. For example, in matters of health or public safety you might be prepared to say that even very small numbers might constitute a reason. For something that is more discretionary, it would take perhaps a much larger minority before the service should be made available.

MR. DAY: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, Campbell.

MR. ROSS: Thank you very much.

MR. DEPUTY CHAIRMAN: The last presenter that the committee has notice of is Paul Haak. Welcome, Paul.

MR. HAAK: Thank you. I didn't come here tonight with any answers, solutions, or even any proposals. I came as a concerned citizen to express my point of view on one particular area, and this happens to be bilingualism.

I'd like to affirm my support for bilingualism in this country of ours. It bothers me to hear people putting down French people, the French language, the French culture. French is not just the language of Quebec. It's one of the two official languages of this country, and I think that French people should feel the same way. I'm sure some of them do; some of them don't. As one of the official languages it has equality of status, equal rights and privileges in our Parliament, and as one of the two official languages it's also given special accord elsewhere in the Constitution. I think this is right and proper as one of the founding languages of this country. I respect the Constitution and the status given the French language, and I think there are a great many Canadians that concur with me on this; at least I hope they do.

I find it rather distasteful that respect for the French language and its use has been very slow in coming to our provincial Legislature. As an example, the incident on April 7, 1987, involving Mr. Leo Piquette made me ashamed to call myself an Albertan. Should the use of both of our country's official languages in a provincial Legislature be cause for such an uproar? I think not, but obviously some other people did, from the reaction that happened. It's my belief that the majority of Canadians support the concept of bilingualism. I think the proliferation and support of French immersion classes in the public and separate school systems in the English population of this country and in particular in the province of Alberta affirms this belief.

This is not a long presentation. It's not a scholarly, academic presentation. It is, however, an expression of my feelings on the matter, and it's my passionate hope that official bilingualism will not wither and slowly die but that the respect and favour for it will expand and grow.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you, Paul.
Sheldon.

MR. CHUMIR: I might as well . . .

MR. DEPUTY CHAIRMAN: Oh, yes; you have to have the Chumir question.

MR. CHUMIR: I'm trying to get a litmus test, Paul, for the feelings of Albertans with respect to the issue of centralization versus decentralization. There is some view that the provincial government should take over whatever powers are being exercised by the federal government in the realms of medicare or social programs. The competing view is that these are important to nationhood and should be established by federal standards so there's a minimum for all Canadians. We'd appreciate your guidance as to how you would feel on that particular issue.

MR. HAAK: Generally speaking, I think I'm a proponent of centralization. I find it scary, the thought that provinces would just grab for as much power as they could get when it appears to me that they're just grabbing it for the sake of it. I think that's leading this country on a destructive course. All of a sudden we have 10 provinces and a couple of territories each going for their own separate agendas. I think we need that centralization to be able to set national standards, especially in the lines of things like our social programs.

9:40

MR. CHUMIR: And would that extend to medicare?

MR. HAAK: Definitely.

MR. CHUMIR: And would you prefer that that be done through the federal mechanism as opposed to any alternative method of, say, the provinces agreeing amongst themselves?

MR. HAAK: I think it would be unusual to find all the provinces coming to an agreement by themselves without having some kind of standard set at the federal level.

MR. CHUMIR: Thanks, Paul.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. HAAK: Thank you.

MR. DEPUTY CHAIRMAN: Members of the committee, we do have two more names of people who have registered and wish to present.

The next one is John Simpson. Welcome, John.

MR. SIMPSON: Thank you very much. I'm here tonight. Mr. Chairman and members of the committee, as a private individual, although I do wear some different hats around the community from time to time. In my profession as a land use planner I do travel around the region from Grande Prairie to High Prairie, Valleyview to Spirit River, and so on. I cross paths with Bob and Walter and Glen Clegg and Al Adair. I talk to an awful lot of people in groups, because public participation is a major component in the profession of land use planning. I just had to take the opportunity to come and talk to the committee about some of the feelings that, you know, get related to you over a cup of coffee or a lunch or whatever when you're talking to people and so on.

First of all, there certainly is a deep sense of frustration out there with the current federal system. That's felt not only, I think, across Canada but certainly up here. I think more people might have been here tonight to talk to the group had they felt that they might have a voice, that they might make an impact on the future of the country. That's not to say that the people here haven't and won't have an impact, but there's a lot of frustration out there that there's so much discussion about the future of the country and so on and the decisions are being made outside the province in higher circles. There are vested interests that have to be looked at. People just sort of throw up their hands and say, "Well, you know, what difference can we really make?" But that doesn't mean they don't want to keep the country together.

I speak also as a person who grew up in Ontario and Quebec. I've lived in Nova Scotia for five years, my wife's from P.E.I., and all our kids, I'm proud to say, are Albertans now. So having lived in several regions of Canada, I've maintained contacts across Canada, and I've developed a sense for Canada. I have some feelings on how it should develop, and I think they're based on trying to keep it together rather than split it apart.

I have to essentially agree with Mr. Balderston's presentation about the four ways that Canada could grow and in particular his alternative. Anybody who has dealt with the federal government finds it slow, cumbersome, unimaginative. It's just a real bureaucracy to deal with. On the other hand, dealing with the province I find that when you want solutions, you can get solutions quickly. People tend to move more swiftly on many issues, and in general you can achieve some things.

I view this current round of constitutional talks as being an opportunity we haven't had before to put everything on the table, potentially to totally restructure the country. I've viewed other constitutional arrangements and talks as being, "Well, let's deal with this issue and amend it" and so on and so forth.

Here are my general thoughts on federalism as I see it. I think there has to be a complete redefinition of Canada. I think we have to rethink how we're going to operate together and deal with each other. There has to be a redistribution of powers to the provinces. I'm not sure if that's really the right term, because in a lot of cases what I've seen over time is the federal government imposing itself on the provincial Legislatures or imposing itself in areas that were traditionally provincial. They force provinces to meet their standards and so on because somebody has said, "Hey, we should have a national standard, and you guys have to live up to it" and so on and so forth. If I look at some of the constitutional stuff – and I don't consider myself an expert – I find that the feds have really imposed themselves on everything that probably they don't belong in. Maybe they did at one point in time, maybe there was a bit of a need, but I think certainly they can back off now. There must be controls on the size and influence and the scope of federal government to get them out of where they don't belong.

Lastly, there must be provisions in the Constitution for balancing the growing elected power of central Canada. There's no doubt about that in my mind at all. We are going to be faced with incredible amounts of immigration over time. They're going to be immigrating to central Canada largely. I mean, we're going to get our share as well, but proportionately if we all get 10 percent, 10 percent of 8 million is a heck of a lot more than 10 percent of 2 million. So to do that, in my mind, the triple E Senate is the way to go. I've thought long and hard about it. There are some drawbacks, there are some flaws to it, but it represents, I think, the best solution we can have.

The discussion paper that was put out, Alberta in a New Canada, proposed a lot of different questions, and I'd just like to discuss maybe some of the questions, you know, that are generally on the minds of people that I talk to and certainly that I feel strongly about. Certainly there is a need to redesign the Constitution. I think it has to be a bottom up process, and I think this is a good start. I get the feeling that the province has their act together in that regard, but I don't get the feeling the feds do.

There's another question there: do we believe the current system is flexible enough to allow Alberta to succeed? Definitely not. I mean, all we have to do is look at the high interest rate policy the federal government has currently imposed on Alberta. We've had a made-in-Ontario inflation rate; we've had a made-in-Ontario recession. The whole monetary policy is structured around Ontario, and it's not hard to see that that, in fact, is the case. That's just one current point. I mean, there are historical points. Transportation policies have traditionally been struck to favour central Canada. Free trade: we finally got that through. It's a good thing; it's going to help Alberta. But traditionally the tariff barriers were set up to help Ontario. The national energy program is another classic example.

As far as what responsibilities the federal government should have, I'm going to throw out three that perhaps the province should take as their bottom line. They're pretty radical. Again, I have not read the reports emanating out of Quebec. The Allaire report, I think, was mentioned earlier, and there's another report. Essentially, what about just three responsibilities of the federal government: defence, currency, and external affairs? The provincial governments have responsibilities in most other areas. There are some areas, for example, like transportation, environment, communications, immigration, and so on where maybe it's a shared responsibility, but the idea would be that the provinces would make recommendations to the federal government regarding those areas. I know that's pretty hazy. You have to appreciate that I'm not a scholar in this regard.

Another question that comes out of the report: "Is Canada too centralized?" There's no doubt about it.

Another question is: should Quebec have special powers in certain areas? I think an answer to this question was given a little earlier by Mr. McAlpine. Certainly that is a cause for concern. The whole idea of Quebec having special powers or special status in certain areas has people's backs up. The way I see it is that if you're going to give Quebec something, you have to give the rest of the provinces the same powers. You can't create special situations for one province over others. I think you can argue, however, that they already have it in some respects: they have it in their civil law, and they have it in a couple of other areas.

Another question that comes out of the report: is the triple E Senate "the best method to ensure that the views of all regions of the country are taken into account?" I can't see a better solution at this point in time, particularly with growing dominance in other areas, particularly Ontario. One thing I did like about the Meech Lake accord was that it was proposing to enshrine first ministers' conferences in the Constitution. That was a start, and then of course it was supposed to be followed up by Senate reform. I really see, though, that in addition to the triple E Senate you have to have the first ministers from the provinces also speaking. Perhaps a way it would work: you'd have first ministers' conferences, you'd get together, you'd set the agenda, you'd make some decisions about what legislation should come into place, and the Senate is there to watch over and make sure that those kinds of conditions and so on are actually put into place.

"Should Senate reform remain a priority?" Definitely.

"Should there be a constitutional requirement for regional representation on the Supreme Court, and various . . . regulatory bodies?" Definitely. Again, it was pointed out by Mr. Hachey in the very first presentation that the Supreme Court seems to be making laws instead of the politicians, and I find that situation just crazy. We elect politicians to make laws. We presumably have judges to interpret those laws on our behalf. When you see the courts starting to make policy and make laws, I think there's a real concern there. Of course, if you extrapolate that to all the regulatory bodies and so on and so forth, there's certainly a need for us to have regional representation on them.

9:50

A couple of other points very quickly. "Do certain provisions of the Charter require clarification to more clearly articulate their original intent?" There's no doubt about it. It seems like everything we do is governed by the Charter. Again we seem to be hamstrung by the courts every time we turn around. We can't seem to get that this is the will of the people, that this is what they want in terms of legislation. Things are always subject to the Charter, and I think we have to clarify what the Charter is really intended to do.

Bilingualism: there's no doubt that it is a dividing force in the country. I think, as I said earlier, since everything is on the table, it's an opportunity just to figure out whether this country has one language or two languages. My opinion is that we basically scrap bilingualism as we now know it.

Essentially, Mr. Chairman, I guess what I would put to the committee and I think what I'm hearing out of the committee is that Alberta must take a very strong position on constitutional reform, an extremely strong position. There are going to be negotiations. There's going to be an opportunity for give and take and so on, but we have to start with a very, very strong position. We can't be seen as being weak. I think a problem Alberta had over the last little while was that the government position was not the best in the world and we were caving in to Quebec. I think we have to take a strong position and see what we can get out of it. I don't believe we can succeed if we take a middle-of-the-road position right now. Go in there with a strong position to get as much as we can from the feds. Maybe I'm jumping ahead of Mr. Chumir's question, but I'm not a centralist, and I think we ought to be really defining the powers that we can for this province.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, John.

Mr. Day.

MR. DAY: Actually, I'm going to pass.

MR. DEPUTY CHAIRMAN: Go ahead, Sheldon.

MR. CHUMIR: Just wanting to understand. My interpretation of what you said, John: were you suggesting that in your view the federal government should have jurisdiction only over defence, currency, and external affairs and international trade?

MR. SIMPSON: I think I mentioned those three things. Yes.

MR. CHUMIR: The rest of the powers would be basically provincial?

MR. SIMPSON: Right. Federal involvement, then, would be negotiated from the provinces. Transportation, for example; there's probably a need for national transportation standards, but they would be done coming up from the provinces. A province would have to say to the federal government: "We want you to have a policy. Here's what you should be considering, and here's the scope and so on of your mandate."

MR. CHUMIR: So the constitutional power would be in the provinces, and then they would have to decide . . .

MR. SIMPSON: That's correct. There would be an opportunity for bilateral agreements.

MR. CHUMIR: This sounds very similar to, in fact somewhat even beyond, what the Allaire report was recommending for Quebec.

MR. SIMPSON: It could be. Like I said, I haven't read the report.

MR. CHUMIR: In effect, it sounds like you would want something like sovereignty association for Alberta.

MR. SIMPSON: No, no. As a negotiating position, start off as strongly as you can. Start off by saying, "These are all our powers; they should be our powers." If we have to give up a couple along the line to keep the country together, fine, but let's essentially start with, "We can do a better job than the feds."

MR. CHUMIR: So you would kind of link arms with Quebec and then negotiate on their side with the rest of Canada.

MR. SIMPSON: I've always seen Alberta, you know, going along on the coattails of Quebec because they're in a better position to negotiate quite frankly.

MR. CHUMIR: Why would we even need a triple E Senate if we have all these powers?

MR. SIMPSON: It's a good point. Realistically the federal government is probably not going to give away all those powers, so you're still going to need a triple E Senate to make sure regional views and regional viewpoints are there in Ottawa.

MR. CHUMIR: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much, John.

MR. SIMPSON: Thank you. I appreciate the opportunity.

MR. DEPUTY CHAIRMAN: We have one final person who would like to present, and that is Miss Eunice Shreenan. Is Eunice present?

Welcome.

MISS SHREENAN: Thank you. I was quite unprepared for this, but I believe what I have to say is important.

I'd like to start with a quote by Fernand Landry from the booklet: "Leaders from all walks of life . . . must make it very clear to Canadians that they are earnestly trying to understand the many voices that are speaking in this country." The issue, for me, is discrimination on the basis of marital status in the area of funding that is available to widows and widowers. I'm sure all of you are familiar with the amounts and when they kick in. I guess I feel that the reasons for people marrying were the same whether they are widowed or divorced. Therefore, the loss of a spouse can be traumatic in both cases. When it comes to providing for the survivors in that situation, I think there should be no discrimination.

I was at a convention of the Minus One clubs of Alberta, chaired the meeting which drew up the presentation which you have before you. We would like you to take this into consideration and would hope that in a new Canada there is fair legislation regardless of marital status, sex, colour, and so on.

Thank you.

MR. DEPUTY CHAIRMAN: Just a minute, Eunice. There's a question from Mr. Chivers.

MR. CHIVERS: I understand that there's litigation under way with respect to this issue. Is that correct?

MISS SHREENAN: Yes.

MR. CHIVERS: And that's based on the Charter? Or is it based on the Individual's Rights Protection Act?

MISS SHREENAN: I think there are probably two ongoing, and I think each is different. I'm sorry; I wasn't prepared for this. One is under the Charter, I'm sure.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much.

On behalf of the committee, I'd like to express our thanks and appreciation to all those who presented their views to us today and also to people who came just to be members of the audience. This has been a very fruitful and fulfilling day for the committee here in Grande Prairie. Again I'd like to thank the people from Northern Cablevision for the assistance they gave this afternoon in distributing people's points of view in this area.

Again, thank you very much to all who participated.

[The committee adjourned at 10 p.m.]

1:02 p.m. Wednesday, May 29, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: If the committee would come to order; it is now after 1 o'clock.

On behalf of the committee I'd like to say that it's very nice to be in Hinton, and we welcome Jerry Doyle, MLA for this constituency.

MR. DOYLE: And welcome to the committee, Mr. Chairman. I'm pleased to see you could make it to my riding.

MR. DEPUTY CHAIRMAN: Thank you. I will introduce the committee, and then allow you a few words of welcome, Jerry. But just so everybody in the room – I guess we have two members of the audience who have arrived.

MR. ANDERSON: Maybe we should have the audience introduce themselves.

MR. DEPUTY CHAIRMAN: I think they will be introduced. But just so that they know who is present, we'll start on the chairman's far left with Barrie Chivers, who is the MLA for Edmonton-Strathcona and the newest member of our Legislature. Beside Barrie is Pearl Calahasen, the MLA for Lesser Slave Lake, and on my left is Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, who represents Edmonton-Glenora. On her right is Stockwell Day, the MLA for Red Deer-North. On his right is Sheldon Chumir, the MLA for Calgary-Buffalo. Beside him is John McInnis, the MLA for Edmonton-Jasper Place, and last but not least, our host this afternoon and evening, Mr. Jerry Doyle, the MLA for West Yellowhead. We're happy to be with you, Jerry.

MR. DOYLE: Thank you, Mr. Chairman. I want to welcome all the members of the Legislature, my colleagues and all. I'm very appreciative that you picked the centre of the community of West Yellowhead to hold the hearings, and I hope that we have a good turnout from throughout the riding. Thanks again.

MR. DEPUTY CHAIRMAN: Thank you.

For the presenters, we have been in the habit of allowing 15 minutes for the presentation. The Chair would say, though, that this afternoon we are not fully booked, and therefore the Chair will not be too strict on the timing. So I think everybody can feel that they can take their time, except that I suppose this shouldn't be an invitation for unfocused remarks. In any event, our first presenter is Ms Jane Bebensee, and the committee would invite her to come to the table.

Welcome to our proceedings, Jane.

MS BEBENSEE: Thanks for coming to Hinton. I hope there are more people that come. I think I gave Mr. McDonough a copy of what I was going to say. What I actually have to say is quite brief. I guess I want to preface the whole thing by: this isn't the only concern that I have in terms of Alberta and Canada. I'm sure there's lots more, but this is one that I wanted to address, that's all. So that's it. Okay?

MS BETKOWSKI: Thanks for coming.

MS BEBENSEE: That's fine.

MR. ANDERSON: Jerry's just getting lunch.

MS BEBENSEE: Oh, are you just getting lunch? Right.

I think it's excellent that we as just regular citizens, not members of any kind of interest group or anything, can make presentations to this committee. Now, my presentation I guess is more on the line of constitutional change in terms of Canada, but education is a provincial jurisdiction, and so my presentation is along here.

MR. DEPUTY CHAIRMAN: Well, you will be asked, I can assure you, how that can fit into the federal scheme of things.

MS BEBENSEE: Right. Okay. I think I've already actually outlined that in my . . . All right.

Committee members and ladies and gentlemen, I'd like to preface my brief my stating that I am not a member of any religious organization, and I guess I also would like to state that I'm not against any kind of religion – all right? – because I don't want it to be seen as discriminatory. I welcome this opportunity to speak to you today. I am making this presentation with the hope that the government will listen and act upon the views of ordinary Canadians like myself. Your committee was put together to determine the kind of Canada and Alberta that people would like. I will outline what I believe to be one of our major problems, one that threatens our individual freedom, and the constitutional change in terms of federal constitution that I could see being made.

At the present time we are striving to achieve Canadian unity, unity being defined as the state of not being multiple; in other words, having one system that provides equally for everyone without discrimination or prejudice while encompassing our tremendous cultural diversity. One way of fostering this unity, I believe, is through a system of public education that is open to all children exclusive of their race, colour, sex, or religion. The purpose of this system of education is to improve the quality of life by providing equal opportunity to all. Now, I know that it is slightly different for Alberta than it is for every other province; I'm quite well aware of that. However, at the present time one system does not exist. One group enjoys a special privilege with regard to education.

The Roman Catholic church with their system of separate schools has the constitutional right to discriminate on the basis of religion. This inequity is fully supported by our tax dollars. No other minority religious or private school receives this special status. The powers of the federal and provincial government were based on the Constitution Act of 1867. Section 93 of the Act gave Roman Catholics a religious privilege that was granted as compensation for religious intolerance at the time. The majority imposed its religious imprint on the public school system, and the minority suffered. I'm thinking primarily there of Ontario; that's what happened there. Today, however, religious intolerance has almost disappeared, and we have a country that is home to people of many different religions and cultures. To continue to compensate the Catholic community for an injustice which no longer exists imposes a grave new injustice on all other faith groups and citizens of Canada.

Part 1 of the Constitution Act of 1982, the Charter of Rights and Freedoms, guaranteed equality for Canadians under the law without discrimination on the basis of race, colour, sex, or religion, yet we violate our own Charter by allowing one group special privileges to discriminate on the basis of religion. The fact that the Supreme Court of Canada in a vote that was not unanimous concluded that Bill 30 – that was an extension of public school funding for Ontario separate secondary schools, and again I use that example; I know the situation is slightly different in Alberta – was constitutional does not make it right or fair. It is wrong when the Charter of Rights and Freedoms allows one group a power that is denied to others. This is not equality. It is wrong when the government allows children of one religion to attend nonsecular schools while barring children from other faiths from attending these same publicly funded schools. It is wrong when non-Catholic teachers are discriminated against in hiring practices at these publicly funded schools while the public system does not discriminate on the basis of religion.

Therefore, I would like to see section 93 of the Constitution Act changed. I would like to see a clause written in that would specifically and clearly set out a complete separation of church and state. We should then over a reasonable period of time, say five to 10 years, dismantle all publicly funded separate school systems; in other words, have one only. A secular school system would create many benefits for Canadians. Most importantly, having one publicly funded school system would guarantee all Canadians equality in terms of education. All would have equal opportunity, and no one group or individual could claim special status. Secondly, the savings in tax dollars would be tremendous. No longer would there be a duplication of programs, administrators, computer systems, transportation systems, et cetera. The quality of the education could only improve. Dismantling the separate school system would constitute no injustice to Roman Catholics but merely require them to forgo a special privilege that is denied to others. They should realize that the freedom of no one is safe unless the freedom of everyone is safe.

In conclusion, I believe that religious teaching of any kind has no place in tax-supported schools. It fosters discrimination and divisiveness at a time when we are trying to integrate the various cultures that make up our country. I'm calling on you to take back to the government my views in relation to education. I believe that the citizens of Canada will support initiatives that are right and fair. Canada is greater than the sum of its parts and will be truly great when all Canadians are equal under the law. Above all, we must make sure that no citizen of Canada is now or ever in the future privileged or disadvantaged because of his or her religious faith or absence of faith.

That's it.

MR. DEPUTY CHAIRMAN: Thank you very much, Jane.

MS BEBENSEE: Have you questions?

MR. DEPUTY CHAIRMAN: Just have a chair for a moment, and we'll see if there are some questions.

MS BEBENSEE: Certainly.

MR. DEPUTY CHAIRMAN: Sheldon?

1:12

MR. CHUMIR: I do have some questions, yes. Thank you very much for your presentation. I want to ask something in relation to other school systems, particularly private schools, because at the present time the provincial government provides some funding for private schools, and there are many private religious schools. I'm wondering whether you would subscribe to the funding of those schools on the philosophy that you'd like to see a society in which everybody has that funding, or whether you feel that that should not be funded as well.

MS BEBENSEE: I think when I talked to Alberta Education they said that there are two systems of funding private schools. If it's an accredited private school, out of general revenues – not out of property taxes but out of general revenues – schools in Alberta receive 75 percent funding as opposed to the 100 percent funding for the separate and public school systems. The nonaccredited schools: as far as I'm concerned – which you can tell, eh, Ms Betkowski? – I think they are not fully supported, but they also do not have to subscribe to the Alberta program of studies. They have to have a curriculum that's approved. Personally, I would say no: no special funds for any private school, whether it's religious or academic or cultural.

Now, what I would say: we would have one system only that's open to everyone regardless or exclusive of any of their personal beliefs. If you wanted a private school, whether that's religious, academic, or cultural, then that would have to come from individuals. I think we could use school buildings and that sort of thing after the public time – you know, with the community schools and that – for any kind of cultural or religious program. That would be fine as long as it was not funded by public money, or school taxes I guess.

MR. CHUMIR: Okay. A related question. You refer in your presentation to fostering of divisiveness at a time when we're trying to integrate the various cultures that make up our country. This raises a question of our overall multicultural policy. We've heard criticisms from presenters previously this week, and suggestions have been made that in terms of multicultural policy the promotion of culture, linguistic retention, the preservation of the different groups is the responsibility of those groups and should not be the focus of special funding and promotion by the community through the government. What would your views be with respect to that issue?

MS BEBENSEE: In terms of the public education system I don't believe that we are under any obligation to try to promote any cultural groups. That's my overall idea. All right? However, many different groups in our society receive money for their own vested interests in organizations like, you know, environmental organizations; many different groups do receive grants for the operation of those sorts of things. I have no problem with cultural groups receiving those same kinds of grants. Okay?

As well, in Alberta I wouldn't want to see it like a national education system. I don't want to see that. I think each province should still have the right over education, and then following that, each school board also has a right to look at some of the programs they offer. Now, I'll give you an example. Say if here or in Grande Cache there was a large population of native students and the school board there decided that one of the programs in the public school time should deal with native culture for a lot of their students, for an understanding in the community, then that would be okay as far as I'm concerned. What I'm saying is that there should not be two separate systems of school; one only for everyone. If you want something different in terms of an individual belief, I guess, that's when you have to pay for it yourself. But cultural groups could receive some money on a different kind of granting system, if that's how it was set up in the province.

MR. CHUMIR: Do you have any sense at all of the way in which the multicultural policies we've been following have been divisive in terms of focusing more on divisions and differences between individuals and groups rather than bringing them together, as we've heard some of our presenters tell us?

MS BEBENSEE: Are you talking just about in school?

MR. CHUMIR: No.

MS BEBENSEE: Or talking generally?

MR. CHUMIR: I'm talking in the broader multicultural policy which has been so much debated in the last year or so.

MS BEBENSEE: When we talk about multiculturalism, I don't think those programs that individuals participate in do foster that sort of divisiveness. No, I don't think they do. I think they probably lend to a greater understanding, I would say, actually. So I wouldn't criticize our multicultural policies except in the area, I suppose, of education in terms of what I'm talking about: one system only.

Now, I know that we run into a bit of a problem when we talk about Quebec in terms of language policy. Okay? One of those things, I guess . . . Have I answered your question, though, before I go on?

MR. CHUMIR: Yes, you sure have.

MS BEBENSEE: Okay. The amending formula in the Charter of Rights and Freedoms, or the Constitution of 1982, allowed provinces a power that I don't believe probably they should have had in terms of being able to veto certain legislation.

MS BETKOWSKI: The notwithstanding clause.

MS BEBENSEE: Yeah. What did I say? The notwithstanding; yes. Sorry. That's what I meant.

I don't criticize our multicultural outlook for Canada, but perhaps the notwithstanding clause should not have been in there to allow a certain province to then start to discriminate on the basis of language, for example. Okay? However, I go back to what I said previously, and that is that in the case of provinces and in the case of certain areas, they should be able to offer programs that are specific just to that area.

MR. DEPUTY CHAIRMAN: Just to keep the record straight: the notwithstanding clause does also apply to the federal government.

MS BEBENSEE: Okay.

MR. DEPUTY CHAIRMAN: It applies to everybody who is subject to the Constitution.

MS BEBENSEE: Right.

MR. CHUMIR: Mr. Chairman, I do have some other questions, but I'll yield the floor. If we have time, if there isn't a lot more, then I might come back to one or two.

MR. DEPUTY CHAIRMAN: John, please.

MR. McINNIS: Thank you, Mr. Chairman. Jane, I was just looking at section 93 of the Constitution Act, which predates Alberta entering Confederation, but there's a reference to section 17 of the Alberta Act which in effect applies the same rights to Catholic and, I suppose, non-Catholic education systems. I'll just read part of section 17. It says:

> Nothing in . . . law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of passing of this Act.

I take that to be a recognition that the right to Catholic education and non-Catholic education predates Alberta's creation as a province, so in effect we're talking about something that goes back a very long time in the basic law of our country. I wonder if that puts any different perspective on it from your point of view: that these are rights that have been in our Constitution since before we were a province.

MS BEBENSEE: Yes. As I mentioned, it was really the Constitution Act of 1867 that outlined these rights. In this respect I don't believe that we should carry on that particular tradition, because it's an unequal right for certain groups. The whole reason for me seeing this one public system is that all of this money and effort and energy – I'm not talking just about the money; I'm talking about the energy that is focused into education in this present day needing to have one focus in terms of a school system. So regardless of whether or not it has a historical basis, when it was written in, there was a reason for it. But no, it doesn't change my mind. I think the Constitution Act should be changed.

MR. McINNIS: So you have no difficulty with taking away a constitutional right.

I just wanted to question you about . . .

MS BEBENSEE: Well, just a moment. It is a right that others don't have. It is a constitutional right . . .

MR. McINNIS: Oh, yes.

MS BEBENSEE: . . . you know, that's gone to the Supreme Court of Canada, but it is a right that only a select few have. It is not a constitutional right for everyone.

MR. McINNIS: Well, that's actually the point I'm getting to. I believe I want to challenge the notion that it's a humongous waste to have the two systems, because every child is entitled to an education. You agree to that.

MS BEBENSEE: Uh huh.

MR. McINNIS: In recent years it seems to me that the Catholic system has become an alternative within the public system; in fact, I think of the Catholic and public systems as being jointly the public education system. Then you have private schools. That's a different issue, but you know, within the public system you have Catholic schools and you have non-Catholic schools. In some cases, the public board is actually the Catholic board because that's the majority within the district, but what it means in provinces that have this system, including our own, is that parents have a choice of which of the two streams they can go into. Do you see that as being a benefit that's available to parents?

1:22

MS BEBENSEE: Well, I guess I'd have to say no, I suppose. It goes along with my presentation. For example, I think I cited an example – and I'm not sure. I tried to find out in terms of Edmonton whether or not, if enrollments at a separate school got to the level where a school was overcrowded, they would then say, "All right; any new people coming in have to be of the Catholic faith in order to go to this school." Can anybody answer that question? I tried to find out, but do you know, Ms Betkowski?

MR. McINNIS: I think sometimes school boundaries are closed because of population.

MS BEBENSEE: Right. No; I'm not talking about school boundaries.

MS BETKOWSKI: When you're of the minority faith, you are automatically part of a separate district if it's been created. If you as a nonmember of that faith opt into that system, for all intents and purposes you're declaring yourself to be of the minority faith.

MS BEBENSEE: Right. I understand that, but can there ever be, say, for example . . .

MS BETKOWSKI: A limit on numbers?

MS BEBENSEE: Uh huh.

MS BETKOWSKI: No.

MS BEBENSEE: That's not allowed in Alberta.

MS BETKOWSKI: Well, it's constitutionally not allowed because as many as who declare to be of the Roman Catholic faith or the minority faith . . .

MR. CHUMIR: You don't have to be of the Roman Catholic faith or declare to go to the Catholic school. You have 500 Jewish kids going to the Catholic system in Calgary.

MS BETKOWSKI: Yes, okay, but in the eyes of the law you have made a declaration.

MR. CHUMIR: If you pay taxes.

MS BETKOWSKI: And in the eyes of the law you have declared yourself to be of the minority faith.

MR. CHUMIR: But you don't have to pay taxes to send your kid to a Catholic school.

MS BETKOWSKI: No; she wasn't asking about taxes.

MS BEBENSEE: No. I'm still not sure . . . It's great for parents to have a choice, okay? You know, I'm a parent too, and it is a good thing for parents to have a choice. But we can see an example now; it is in Alberta. That's what I'm asking. Say there was a school that is absolutely overcrowded and they need more room, yet children of other faiths keep coming into that school. Say, for example, they live closer to that school. It's a lot easier for their kids to go, but the number of kids in the school gets to a point where any new entrants have to be a member of that religious faith. I know it's happened in other places in Canada, and I gave you an example. Again, it may not be happening right now in Alberta, but it has happened in other places. Therefore, myself as a parent would not have a choice if that happened. Therefore, I say one system.

MR. McINNIS: Just a final question. Have you compared provinces that don't have the two systems with our own to see how much tax money you think might be saved? Any idea, or have you done any research along those lines?

MS BETKOWSKI: They all do. She doesn't have to do research.

MR. McINNIS: Well . . .

MS BEBENSEE: No; that's a fine question, but I don't believe there is any province that does not have a separate system, is there?

MR. DEPUTY CHAIRMAN: No; that's right.

MS BETKOWSKI: It's a constitutional right.

MS BEBENSEE: I believe there are provinces that do not allow any kind of funding for other than a public and a separate system, no funding at all for any other cultural group or religious group or academic group. I think Newfoundland has – I'm not sure of this. I'd better not say it because I think Newfoundland has separate school systems for some other different thing. But as I said, this is only one thing I think of Canada, but it's a presentation that I thought I would bring up. Okay?

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thank you, Mr. Chairman. Jane, I appreciate your comments. It was an interesting idea about independent school groups being able to use the buildings themselves after hours. That, I think, would be well received by groups that couldn't be funded, because capital costs often are what keep them from even starting. That's an interesting suggestion.

Since you want one system only, what about on native lands, aboriginal schools? Are you saying they shouldn't be allowed to exist?

MS BEBENSEE: No, I'm not saying that.

MR. DAY: So you'd make an exception there.

MS BEBENSEE: You see, this is one other thing I wanted to talk about in terms of constitutional change, I suppose. I think if any group was supposed to receive any kind of special status, it would have to be the natives. They're the only group in Canada that I can see that it would be fair to receive special status and not necessarily just in education. However, right now native schools are funded by the federal government, are they not? Isn't that their jurisdiction? I believe it is. Or is it? You're right there, so you know.

MS BETKOWSKI: If they're on a reserve.

MS BEBENSEE: If they're on a reserve school, then yes, because that would be the only school there as such. It would still be the public school on the reserve.

MR. DAY: Right. So as far as the constitutional change, you would make the exception for the aboriginal schools.

MS BEBENSEE: I don't think it would have to be made.

MR. DAY: Because the Constitution is federal.

MS BEBENSEE: Well, the Constitution is federal, and also the fact is that on a reserve, if it's a native school, that would be the public system there. There wouldn't be two schools; only one.

MR. DAY: Also, you mentioned you wouldn't want the teaching of any kind of religion in public schools, but you did feel it's justified to allow native culture to be taught in public schools. Yet, of course, native people have very strong spiritual roots. It would be impossible for them to teach their culture without their spirituality. Within a public school, then, you would also make an exception for aboriginals to teach their religious roots.

MS BEBENSEE: That's actually a very good question. I'm thinking more of organized religion, truly, instead of the spiritual component of the culture. Then again, I think you can argue it this way and say that every culture actually has a spiritual component. As I said before, if there is a school system, say, for example, in Hinton, and if we wanted to incorporate a course or a certain period of time on native studies because in our particular community we needed that or it was seen as a good thing by the school board, then that would be fine. The same would go for a school on a reserve.

MR. DAY: With this constitutional change you would be saying to the province of Quebec, which is overwhelmingly Catholic, a huge percentage, that their system . . . Is that what you're saying?

MR. DEPUTY CHAIRMAN: She'd be saying that the Protestants wouldn't have a system.

MR. DAY: Well, I'm asking directly to Jane here: are you saying to a province that's overwhelmingly Catholic, "Sorry, your schools have to go," the entire Catholic component? I'm not pressing; I'm wondering what extent we're talking here.

MS BEBENSEE: No, no. I'm glad, actually, for the question because it makes me think too. You know, there are times when you think you've got everything completely figured out, and then somebody asks you another question.

MR. DAY: Politics is like that.

MS BEBENSEE: Well, I guess it is. You would know, I guess, all of you.

Actually, I believe that there's a trend in Quebec to switch from parish schools to language-based schools. I believe that's what's happening right now, and actually I think I read something, and I can't remember what it was. It was after Bill 30 and the Supreme Court thing. They saw even section 93 as a kind of a roadblock in establishing linguistic school areas. So what I'm saying again: yes, in terms of language, this is where it becomes a little stickier. But then again if the major language in, say, Jonquière is French, then obviously the school is going to be in French. But I still say no religious basis.

MR. DAY: So you would say that to the province of Quebec, to remove all Catholic, religious teaching from your schools?

MS BEBENSEE: Yes. Not just Catholic religious but any kind of religious teaching, although I realize it sounds quite simplistic. Now, I want to point that out, and I'm sure it's much more complicated than that.

MR. DAY: You make a comment that the quality of education would improve with just one system. The literature that I'm familiar with suggests otherwise, that wherever you've got competing systems, quality tends to improve. But if you have literature showing where that exists, that just one system yields better, if you could forward that to us, that would be great. Thanks a lot.

MR. DEPUTY CHAIRMAN: Mr. Chivers.

I'd ask members of the committee to try to speed up a little bit because we've gone a long way over time.

MR. CHIVERS: Thank you, Mr. Chairman, and thank you, Jane. You're acquitting yourself very well here. However, I think something that appears at first blush to be very simple and straightforward sometimes on closer examination isn't.

You started your discussion with reference to section 15 of the Charter, the equality without discrimination section. I wanted to draw your attention to the very next subsection of the same section, which is what's called the affirmative action section. In section 15(1) we guarantee rights of equality without discrimination on account of sex and all those other things. But in the next section we recognize almost immediately that equality defined in that way can create other types of inequalities, and therefore it's necessary under subsection (2) to state that this

> does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

I'd like your views. Do you in general support that kind of an exception to equality rights, affirmative action? For example, in the area of women's programs, when we recognize that women are disadvantaged and we want to promote equality for them, then we have to have affirmative action type programs. Do you support that type of program?

1:32

MS BEBENSEE: Yes. Just as I was saying to Mr. Chumir, I am not against the government, whether it's provincial or federal, funding different cultural or disadvantaged groups or what have you. I mentioned the environment, but it could be women's groups. It could be groups for the disabled. It could be the CNIB. It could be any range of interest groups, okay? I don't have any problem with that kind of funding, but in terms of education I still believe that a religious group is not disadvantaged in terms of the Charter.

MR. CHIVERS: That comes to the second part of my question. I want to take you to then juxtapose, to put together and consider in context, section 93, which is really a minority religious educational rights protection section, and section 23 of the Charter, which is the minority language educational rights protection section. You're familiar with section 23, which protects minority language rights in the provinces? I'm just wondering what your position on section 23 is. Would you be supportive of minority language educational rights protection?

MS BEBENSEE: I would of the two official languages.

MR. CHIVERS: Of the two official languages.

MS BEBENSEE: Yeah. You know, I think it's wonderful in this province and actually throughout Canada that we are able to take advantage of learning the other official language that is not our mother tongue. I think it's wonderful, so I'm glad that is in the Act.

MR. CHIVERS: Now, that's also in a sense a historical accident.

MS BEBENSEE: Yes, it is. Absolutely.

MR. CHIVERS: And it doesn't encompass aboriginal rights.

MS BEBENSEE: No.

MR. CHIVERS: It doesn't encompass recognition of aboriginal people, so I wanted to draw your attention that there may be some inconsistency with the position which you're advocating with respect to protection of minority religious rights and your acceptance of protection of minority language rights.

MS BEBENSEE: I actually don't see any similarity, Mr. Chivers, between religious rights and language rights.

MR. CHIVERS: Except that they're both what's protected. As for the official languages, that's an accident of history in a sense that it was French and English. It could just as easily have been other languages that might have been protected. The religious rights are protected also as an accident of history. If we were drawing a Charter today or a Constitution today, we might well want to protect other sorts of religious groups than perhaps Catholic and Protestant, which were protected as a result of the historical context.

MS BEBENSEE: Okay. Can I make a comment? Is there still time to do that? Briefly.

MR. DEPUTY CHAIRMAN: Quickly.

MS BEBENSEE: Okay; good. You've certainly stated that, but again this whole committee was put together to find out what we as Albertans and Canadians would like to see, say, if a new Constitution was written. In terms of language rights I think it actually in the long run has been a good thing for Canada. So I would not personally see that section changed, but I would not give any protection to any kind of religion. Whether that's Catholic or Protestant doesn't matter to me. So I would like to see section 93 changed; section 23 could stay.

MR. DEPUTY CHAIRMAN: Thank you very much, Jane.

MS BETKOWSKI: Thanks.

MS BEBENSEE: Thanks very much for your time.

MR. DEPUTY CHAIRMAN: The Chair apologizes to other presenters for imposing on their time. I'll try to control our members better hereafter.

The committee would invite Jim Coulter to come forward, please. Welcome, Jim.

MR. COULTER: I have a few very short comments to make here. However, I feel that, generally speaking, most of your Canadian citizens will agree with them.

The first one I'm going to make is that the constituencies for the MPs – I'm referring to federal – should have control over their MP, and if he does not do as he said he is going to do, then they should have the authority to recall him and fire him and send him down the road just the same as anybody else would fire you if you didn't do your job at your work.

Now, another thing is to return all persons fleeing justice from democratic countries immediately. I refer in particular to the Ng case. Now, I don't think there's any argument there that the average citizen is pretty sick over that one.

Another thing – this one is a little more controversial – is stop supporting the communist governments and movements at home and abroad. They've failed all over the world. There have been millions and millions of lives lost trying to get these governments out, yet our government is supporting some of these movements to get them in power. The one I'm referring to initially – and there are other ones of course – is the ANC in South Africa. They openly say that they are going to burn people with this – they call it 'tire-ing.' They did it. They were doing it a rate of 12 to 13 of them a day for quite a long time until the South African government declared a state of emergency and put a stop to them. Well, then our brave newspapers and CBC and so on said that they are taking the rights away from these people. Now, why did we support those people?

In Australia they have an arrangement. The Prime Minister selects about half of the cabinet ministers, and the caucus selects roughly the balance. If the Prime Minister decides he doesn't like that cabinet minister who has been selected by someone else, he fires them, but they have the right to turn around and replace him. Now, we've got to get rid of this business where the Prime Minister is a dictator. In fact, that is the situation in Canada.

Something else that's been left out of our rights is the right to own property. I don't think that was just a slight oversight; I think that was deliberately left out. If we can't do it in the federal system, I would say that Alberta itself should try and put that in in some way, even if it's only in Alberta that you have the right to own property.

Another thing: a person with some allegiance to another country should not hold public office, particularly federal politics or even provincial. If they have a sworn allegiance to another country, probably one which is hostile to us, and have openly declared hostility to our system, they should not be allowed to serve in our political system or our civil service. If you don't know who I'm referring to or what I'm referring to, I'm referring to people who belong to what they call the Socialist International movement. There are a great number of them, and they are in our politics. You all know, well know, and the public knows it too.

Another thing: our immigration. We have our Prime Minister over now trying to get a bunch more immigrants to come into Canada here. Our educational system cannot handle the ones we've got. Our people are known worldwide as not being technically advanced, and that is very, very, very true. Yet we're hauling these people in; we're spending monstrous sums of money on them to get them to speak our language and send them to school. Our own Canadians are suffering from it. These minorities can walk in and use their organized influence, and they can insist that their people get the education. Our own can't, and all this is being done by the public purse. These are things Canadians are really fed up with.

Do you fellows have anything to say?

1:42

MR. DEPUTY CHAIRMAN: We just want to make sure you're finished, Jim, before we interrupt.

MR. COULTER: Well, I may not be finished, but pretty close.

MR. DEPUTY CHAIRMAN: Who would like to begin? Barrie.

MR. CHIVERS: Jim, you heard the previous presenter, the presentation that was made just in front of you?

MR. COULTER: I heard some of it, yes.

MR. CHIVERS: I'm just wondering what your views are with respect to the protection of religious educational rights in the Charter, section 93.

MR. COULTER: Sir, I'm not a specialist in that. To make a statement on something I don't know anything about, I would be putting my foot in my mouth, and I'd rather not do that.

MR. CHIVERS: Fair enough.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Politicians would do well to follow advice from you on that last one, Jim. I appreciate your coming today and taking the time.

In terms of federal/provincial powers as you see them today, without having me get specific because it can get sort of drawn out, do you generally feel the distribution of powers right now is about right? Do you think there should be more provincial power, or do you think the federal government should have more power? Would you say status quo, more to the province, or more to the feds?

MR. COULTER: Well, if the federal government does not change its ways, I don't think we have any choice but for the provinces to go for the power. They'd be awfully foolish and stupid if they didn't. Is that what you were interested in?

MR. DAY: Yeah, I was just wondering what your sense was.

MR. DEPUTY CHAIRMAN: The Chair doesn't generally ask questions and I don't think the Chair could be accused of dominating these meetings, but would you say your impression is that our present Constitution is being honoured in the way the discharge of responsibilities is being undertaken?

MR. COULTER: I would say our present Constitution is being misused terribly. Actually, if they don't change and start using some common sense, it doesn't matter what Constitution you have, it isn't going to make any difference whatsoever. They do not go to the people. They've got the Spicer commission going now at a cost of fabulous sums of money. All they had to do was go and ask the question. And they've known the answers for years. There's nothing new. They're not going to learn anything that they didn't know already.

MR. DEPUTY CHAIRMAN: What I was getting at: in our present Constitution there is a list of responsibilities that are supposed to be federal, another list of those that are supposed to be provincial, and there are very few that are shared between the two. Do you think that the way things are being administered now, it's following that division?

MR. COULTER: I would say it's being abused, period. No matter what rules you make, these things can be abused.

MR. DEPUTY CHAIRMAN: Would you say it's the federal government that's abusing the system?

MR. COULTER: I feel it is, myself. I feel it is.

MR. DEPUTY CHAIRMAN: Thank you. Mr. Anderson.

MR. ANDERSON: Thank you, Mr. Chairman. Jim, you mentioned the concept of recall, of firing your MP if he didn't do what he'd said he was going to do during an election campaign. Have you any further ideas on what criteria you'd use? It seems difficult to judge. I mean, if your Member of Parliament for this area, for example, had said he was going to work to get you a new factory to employ people and had tried to do that but hadn't succeeded, should he be fired? Who would make that judgment? On what criteria would you make that?

MR. COULTER: I don't think there's any criteria in what you're talking about. Firstly, if he's gone out and put an honest effort into it and has not been successful, what right would you have to fire him over it? He's only going to try. All he really ever promised to do is try.

MR. ANDERSON: Okay. Maybe, then, you could outline for me in what cases he should be fired and how that would happen.

MR. COULTER: All right, I'll give you one. I think it's pretty well known that about 80 or 85 percent of the population in this country favours capital punishment, and I feel rightly so. Now, practically all your MPs went out and voted against it. They voted against the wishes of the constituencies and the people. In such a situation he should be recalled and should be whistled down the road, and without these very high pensions they have voted themselves. That's another thing too. Give them the Canada pension plan the same way the working people get it.

MR. ANDERSON: Okay. Jim, you have sort of changed directions a little bit there.

MR. COULTER: Well, I tried to follow it as good as I could.

MR. ANDERSON: Right. Inasmuch as you said originally that they should be fired if they don't do what they promised, now you're saying they should be fired if they don't do what the people want done. Do you mean both? I can think of Members of Parliament, for example, who quite clearly said before their election that they're against capital punishment. Even though the people of the area were for it, people elected them and they voted against it. That example is just confusing me a little.

MR. COULTER: I don't think in all honesty that a politician should run for office if his feelings are so much at variance with his constituents'. That's the first thing. Now, don't forget that when I speak of capital punishment, in the past there were a lot of things other than murder that were rewarded with capital punishment. There are many things. Quite frankly, that is the reason why these MPs wanted capital punishment done away with. They have their reasons. But they don't really care. They don't really care about somebody going out and murdering or torturing 20 people to death. They don't worry about a young family and a baby at all. You show me one that does.

MR. ANDERSON: I'm not sure I'd agree with your analysis on that . . .

MR. COULTER: Well, I do.

MR. ANDERSON: . . . but I appreciate your comments. In terms of criteria, though, you think that generally politicians have to do what constituents want. You don't have any ideas on a mechanism. You think we should have some way, though, of dealing with that.

MR. COULTER: What I'm speaking of is democracy. That's what I'm referring to. When an MP goes into office and doesn't do as Canadian citizens want, we do not have democracy.

MR. DEPUTY CHAIRMAN: Except, I guess, at the next election you could defeat him.

MR. COULTER: That is too late. They run wild, and we've seen this. They run wild for years. It's too late then.

MR. DEPUTY CHAIRMAN: Mr. Doyle.

MR. DOYLE: Thank you, Mr. Chairman. Jim, I listened closely to your presentation. I'll make it very clear that I don't agree with all your comments, but I listened.

MR. COULTER: That's all right.

MR. DOYLE: I was wondering, Mr. Coulter, if you agree that immigrant children suppressed by wrongdoings of adults in governments of other countries should be allowed in the country. Should those children not have the right to a good life in a free country like ours?

1:52

MR. COULTER: Well, you've kind of wandered around a little there. Firstly, these people that come from other countries – they're nondemocratic countries. I believe they have a responsibility in these countries to try and bring democracy about. Now, there are no countries in the world in which there has not been a lot of blood shed achieving it.

If we're going to do like you seem to suggest, there will not even be standing room in this country. It's nice to say that and everything else, and I know a lot of these people and they're excellent, tremendous people. But it's way beyond our economic means. We're a country that's financially broke right now, and we'd better face it. We are not financially able to help these people. We are shortly going to need some assistance from someplace; I don't know if it's going to be the States or where. We're getting somewhere around 60 percent of our gross national product being taken away in taxes.

Now, we've got to start looking at this a little more than like you've said: "Oh well, some people in some country are being oppressed; therefore, they have the right to come here and have us, who are broke, support them." We just can't do it; that's all there is to it. We just can't.

MR. DOYLE: Well, certainly they don't have the same human rights as we do in Canada, and there are several reasons for immigrating from one country to a free country like ours. You didn't clearly say if you are opposed to allowing children the freedoms they should be having by us allowing children to immigrate, if not adults.

MR. COULTER: Well, if you're going to bring children in, you've got to bring their parents firstly. That's what you mean, is it?

MR. DOYLE: Many don't have parents. Many have nobody, Mr. Coulter.

MR. COULTER: How many millions or hundreds of millions of these children and people are you referring to?

MR. DOYLE: I don't know how many are out there, but there are several that . . . We have to pay attention to protecting the children if we can't give human rights to everybody.

MR. COULTER: Well, we've certainly exceeded our abilities right now.

MR. DOYLE: Thank you.

MR. COULTER: They may be tremendously deserving. I'm not saying they're not deserving. But if somebody is in quicksand and going down, why should we leap into the quicksand and go down with them? You're never going to help them up, and that's what we're doing.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Mr. Coulter, thank you for coming to our hearings and speaking to us. My question is with respect to something we've heard quite a lot of, and that's enhancing democracy practices in Canada. A lot of people have made presentations about giving citizens more of a sense of involvement in constitutional affairs and other affairs. You've suggested the model of being able to recall a politician. We've had quite a bit of discussion about Senate reform and other mechanisms that might give citizens of Canada more involvement in the process of government and constitutional reform. Do you have any thoughts on those kinds of things?

MR. COULTER: Well, the Senate as we have it today is far, far from a democratic organization. It's a political plum; that's all it is. Some of the people that have been put in there have served time in jail. Now, they're not supposed to be in there after they've been found guilty of criminal problems and have done time over it, and yet they are. There's another case where all these regulations you want to make – our politicians pay no attention to it. "Never mind the rules. We made the rules; we'll change the rules if we need to. We'll do what we want. Never mind what our constituents want." As far as the Senate is concerned, that is pitiful, absolutely pitiful, and Canadian citizens are fed up. I don't know why these people can't get this through their heads.

MS BETKOWSKI: Do you think Canadians want more or less involvement in the whole process of constitutional reform?

MR. COULTER: Well, I don't know what they want, but I think they'd better get on the ball and get into it.

MS BETKOWSKI: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Brief questions from Mr. Chumir and Ms Calahasen.

MR. CHUMIR: Thank you, Mr. Coulter. We've had a number of suggestions from presenters that citizens should be entitled to have access to basic information from government about how they're governing. It's been suggested that this should be put into the Constitution. Would you agree with that proposition?

MR. COULTER: Well, my understanding is that supposedly we have this Access to Information Act. We just don't. As Joe Blow on the street, don't meddle and try and get any of it that's a little touchy. You won't have any success. They'll hold you up for years.

MR. CHUMIR: Do you think we should be making some provision in our Constitution for access to information, or would it be better to just leave it out and handle it otherwise?

MR. COULTER: We absolutely should have access. They've got lots of things to hide – I'm aware of that – but I don't think they should be hidden.

MR. CHUMIR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Ms Calahasen.

MS CALAHASEN: Thank you, Mr. Chairman. Welcome, first of all. Some of the information actually – you were talking about the politicians representing the people. I just want to follow through on that somewhat. I guess there are times when as politicians we don't really know how to reach the people to be able to get the information we need to represent them as effectively as we'd like. What process would you recommend in order for us to be able to find how we go about doing that? Would you recommend a referendum of sorts, or is there another method you could see happening where we could find out the beliefs or the position of the people so we can represent them in many of the concerns brought forward?

MR. COULTER: Well, I'll tell you one way not to do it, and it's the way it is being done. That is, do not go to people who are patting you on the back all the time and telling you what a fine person you are. Go to people that are sort of neutral types, and they'll be honest with you.

MS CALAHASEN: Basically, you're saying, then, that as a politician and our representatives, you go out to the people versus using some form of questionnaire or a referendum of sorts which would ask certain questions on certain issues?

MR. COULTER: Well, the problem with, as you say, sending out questionnaires is that you'll find certain organizations will tend to swamp their narrow feelings about that. The majority of Canadians may not even answer; they may be so fed up and sick of the whole thing they just garbage it. Right now they do not feel that the politician is unaware, and if he already knows about it and will not do anything about it, why should they move themselves to even write a little slip on a piece of paper? People are pretty fed up.

MS CALAHASEN: How do we get to those fed up people as representatives? Things like this that we're doing?

MR. COULTER: Well, this is a pretty good start here. I think you must avoid certain types of organizations. I know people will think it is wrong for me to say this, but churches are well organized to get their viewpoint across entirely out of proportion to their numbers. A lot of people that go to the churches don't think that way, yet they will pressure these people to fill in these forms and so on and send them in. That's one way you don't do it, and they get too much input.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Jim. We appreciate your attendance.

Our next presenter is Tom Roycraft. Welcome, Tom.

MR. ROYCRAFT: I just wonder if I should explain that I probably come from a little different background than a lot of people. I'm retired after 40 years with the military and public service, and the last 30 years was spent in the bush with people from all over this country and other countries as well. I got to know these people on a personal basis, and I guess I have to confess here that very seldom do we sit around the campfire and discuss things like constitutions. In the military service I did travel from coast to coast, to every province, all the territories. I've worked in the territories, in Labrador and Nova Scotia and Vancouver island and so on, so I feel that I've probably seen more people and more of the country than the average person. In addition, I suppose that I was actually working on the level more of a hewer of wood and drawer of water, because it was in close contact with the natural world, in the bush.

When I was putting a small presentation together, I had to smile to myself. Periodically there were several of us who had spent half our lives in the bush doing this particular job, and on the second course out we would have a new course officer come out with complete ideas to revamp the entire agenda, and I'd just smile to myself. Maybe this is the position I'm in, so just bear with me, please.

2:02

Now, essentially what I am talking about is that I feel strongly that a strong central government is important to this country, and not just because I did work for the federal government all my life. Just bear with me; it's not too long. This is a quotation from Judge Bowker: this debate is about power; the Premiers want more power and not for the people but for themselves. If there's one thing we need in this country, it's a strong central government. I have to agree with the judge.

I see myself as a Canadian who resides in Alberta, not an Albertan with grievances against other regions. This country is in a mess for several reasons, but secrecy and the stirring up of animosity against other regions to gain political advantage and greater power probably are major factors which have brought us to where we are today. In my opinion, the Prime Minister who got us into this fiasco lacks the credibility and qualities to effectively lead Canada into a new era. If Brian Mulroney has his way, Canada will be balkanized, fragmented, decentralized, and eventually destroyed.

Before the next election, parties should bring forward concise constitutional positions. They should be openly debated and an election held with a clear understanding that the government then in power will be committed to settlement of aboriginal claims and rights. This proposed scenario is perhaps unrealistic, but in some manner or other the aboriginal people must be fully represented in future constitutional deliberations. In a sense they are one of the strongest potential links in the chain that binds this country together. They are distributed throughout the country and realize that their salvation lies in the maintenance of a strong central government. Given that they have a vested interest in the preservation of the natural environment, which is essential to their cultural survival, it follows that Canada as a whole can only benefit by addressing their concerns. Conversely, the native position will be weakened, along with the strength of Canada as a whole, if areas such as environmental impact assessments are delegated to provincial jurisdiction.

One of the motivating factors involved in the secrecy of the Meech Lake process may well have been the desire to avoid addressing aboriginal concerns, particularly megaprojects such as James Bay 2. Fortunately for Canada, Elijah Harper stood firm, and his credibility is greater than that of the Prime Minister. Unless this country places the highest priority in redressing native grievances, we face the risk of future confrontation such as Oka. If we reach an amicable settlement in this area, the links which bind this country together will be strengthened. The longer the delay in settling aboriginal concerns, the greater the risk of confrontation and animosity and the higher the cost.

A strong central government is necessary if communication links such as the CBC are to be maintained to promote Canadian unity. A national broadcasting system with a mandate to inform and freely investigate issues of public concern is vital to this country's future. In areas such as pesticide registration and control, toxic waste management, and chemicals used by industry, there's a necessity for countrywide standards. If each province develops its own guidelines, there will be a tendency for some jurisdictions to lower standards such as health of workers in order to attract industrial development. Corporations are not above the temptation to threaten loss of employment if governments insist on endorsement of stringent regulations. In both those situations, without a strong central government the country will just be fragmented and there will be competition for who can provide the lowest standards for industry. I think it would be a disaster. Only a strong central government can enforce universal standards.

One other point. The federal government should have a role in the promotion of the standardization of history textbooks used in all provinces. Leading academics might be brought together to arrive at agreement as to how Canada has developed. If this matter is left entirely in the hands of provincial governments, any meaningful consensus is unlikely to develop. On the other hand, a federal presence in this area would have the motivation to get on with the job in the interest of national unity.

That's my written presentation. I hope it's not too long, and would welcome your consideration of it.

MR. DEPUTY CHAIRMAN: You certainly haven't gone too long, Tom.

I'd ask Dennis to be the first questioner.

MR. ANDERSON: Thank you, Mr. Chairman. Tom, your presentation was very clear in terms of your support for strong central authority. Do you have any of the fears that some Albertans have expressed of having those people in central Canada create priorities for the nation and try and operate in the best interests of the nation those areas that are so far away and so far removed from that central Canadian perspective?

MR. ROYCRAFT: Well, I think this is the responsibility of our elected representatives, whether they're in the Senate or Members of Parliament. It's their responsibility to speak out, and as I see it, there's a lack of some Members of Parliament speaking out for their local areas. I think probably it's because of party discipline or perhaps some system in the Commons – the voting, party solidarity, and so on – that prevents the Members of Parliament from speaking out for their regions. I don't know what other reason there is.

MR. ANDERSON: Apart from the personalities that might be involved, do you not have concern about that majority of the population, the majority of votes, from the central part of the country controlling the priorities and the standards, which would of course well reflect the people they represent but not as well reflect those people in Newfoundland or Alberta or the Northwest Territories?

MR. ROYCRAFT: Well, I believe there's no such animal that can live with 10 heads. It's got to have one head in charge. As soon as you get the country divided, the country is going to be destroyed, in my estimation; maybe not next year, 10 years. But look, just in the last week or so there's talk in the newspapers now about people saying: "Well, we should have our own provincial police force perhaps. Maybe Alberta could use the American dollar." I mean, this is pretty scary, just those two items in such a recent time. I just feel that the provincial politicians are, generally speaking, not statesman. They're out, as Judge Bowker says, to get their own power and build up their own power base, possibly at the expense of the other parts of the country.

Now you've got people saying, "Well, now, look. If Quebec goes, then western Canada should unite, because we're not going to share what we've got with those poor people down in Newfoundland and Nova Scotia." It seems there's a lot of people with wealth who are looking after their own self-interest instead of the national interest. So I think there needs to be a little more statesmanship shown by the provincial Premiers.

2:12

MR. ANDERSON: So you feel that the statesmanship is much more there with federal elected politicians than with provincial and that the wisdom to be able to operate the various parts of the country and the needs of it are there more federally than provincially.

MR. ROYCRAFT: If they're not there, I think in some manner we should get them there. I don't know how it's to be done – I don't have all the solutions – but somehow or other, perhaps with more goodwill, a little less politicking, a little more statesmanship. If we could get more people elected – and I don't mean to insult you – it would be statesmen rather than politicians, people who are more interested in the country as a whole rather than perhaps getting re-elected or whatever.

MR. ANDERSON: Well, I appreciate your opinion with respect to that. You don't feel there's any difficulty in a central group of people, no matter how well qualified. Say we have the best qualified possible, the best statesmen available in our central Parliament. You don't think there's a difficulty with them operating specific areas so far removed from the ridings they represent. In other words, if I'm a federal politician making decisions about fisheries in Newfoundland or if I'm a Newfoundland fisherman Member of Parliament making decisions about Alberta's oil and gas, you don't feel that's a problem?

MR. ROYCRAFT: In some way or other I think this country could be made to work with a strong central government, and I cannot see how it will work if we divide these powers up so we've got provinces bidding against each other. I want to be a Canadian, not an Albertan.

MR. ANDERSON: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Mr. McInnis.

MR. McINNIS: Thank you, Mr. Chairman. I don't really think it has a great deal to do with who has the most wisdom and who's the brightest. What I hear you saying, Mr. Roycraft, is that you don't like the idea of provinces competing with one another for industrial development based on who's prepared to waive the most environmental requirements, who's prepared to allow the greatest degree of degradation and the most pollution. I mean, if you go to British Columbia and you have to have a pulp mill that creates zero effluent in the river and you go to Saskatchewan and you have to produce a pulp mill with zero effluent, surely some of them would come to Alberta where we seem to allow all kinds of liquid effluent into the river. I think that's what you're saying.

But the question I have is: would it not be possible, if you had national standards and objectives on, say, environmental matters, that local governments and provinces could have plenty of scope for decision-making so long as they accommodated those standards? In other words, if we decide that industry is going to be clean, it could still be up to local people and provinces to decide whether they want it, what kind they're going to have. They would simply have to compete in something else other than degradation of our environment. Is that it?

MR. ROYCRAFT: Right. You know, when I worked for the military, when National Defence headquarters sent us orders, the people on the spot were responsible to see that they were properly carried out, and it would have been foolish for them to send someone from Ottawa to oversee the small details of what was required. By the same token, I think the same thing goes for the federal government. They can lay down standards, but the local people have a responsibility to act properly and get the job done in the manner that it should be done.

MR. McINNIS: So your vision of a strong, united Canada doesn't mean that some all-powerful and all-wise person in Ottawa has to make every detailed decision respecting every locality in the country?

MR. ROYCRAFT: No, that would be impossible. There's no way that someone, you know, thousands of miles away can run the day-to-day . . . There have to be various levels of government, and I think the provincial government should be satisfied to try to do the best job possible with the responsibilities they're given, but not keep seeking ultimate responsibility. The first thing we know, we'll be buying armoured personnel carriers and that sort of thing for this province if things go to the extreme some people would like.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, Mr. Roycraft. You've made your position very clear, and I'm particularly appreciative of it. I want to ask a very brief question re a couple of specific federal programs, because there's been some suggestion amongst some provincial governments that the medicare and social programs should be taken completely from the parent federal government role, which is basically that of setting standards while the provinces actually run the program. This should be eliminated, and we should have all the provinces set the standards and come together and determine whether or not there should be national standards. I'm wondering whether you could give us your opinion on that particular . . .

MR. ROYCRAFT: Well, where I come from on that is that in the military, where people are moving from one province to the other regularly, they're faced with all sorts of problems. They've got various educational standards. They've got various problems in all sorts of jurisdictions that shouldn't happen in one country. There are too many standards. There should be universal standards so that a person can move comfortably from one part of the country to the other and feel he's still a Canadian, has all the rights, and knows what to expect. There shouldn't be all these little fragmented jurisdictions, as I see it.

MR. CHUMIR: And should those standards be mandated by the federal government or by individual provinces?

MR. ROYCRAFT: Well, there again I think basically the overall formula and framework should be mandated by the federal government, and the local governments have the responsibility, within that framework they're given, to do the best job they can of administration. I think it's very simple.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Mr. Roycraft, I appreciate your affirmation of citizenship. I, too, would count myself as a Canadian first, and this committee is trying to find out if we want to change our Constitution or not.

My question to you is with respect to the division of powers. Right now the provinces are given the jurisdiction over health and education. My question is whether or not you believe those powers should be transferred to the federal government instead of remaining with the provinces as they have since 1867.

MR. ROYCRAFT: I believe there's room for shared jurisdiction again; as I said, just giving the example of promoting a common, agreed upon standard textbook for Canada's history. Now, we all know that these texts vary in different provinces. One of the reasons we have so much division in the country is that the children are not being taught the same history, and that's just one example that comes to mind. I'm sure you could find other situations where the country is being divided, not that the people themselves are bad. All these various histories can't be correct. There should be room for compromise and agreement. I wouldn't trust politicians to write our history, but I think some of the leading scholars and universities could probably get together as reasonable people and at least agree on a common framework for the text that would be produced.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Mr. Roycraft, I was interested in your comments with respect to the settlement of aboriginal claims and aboriginal rights. Also, you spoke in terms of representation of aboriginal peoples in constitutional talks. I'd like your views. Are you thinking that there should be some constitutional entrenchment, some constitutional protection of aboriginal rights and interests?

MR. ROYCRAFT: I think it's the only proper way they're going to be dealt with fairly. I think they've been elbowed out. They've been dealt with scandalously in many areas.

You know, if you take away a person's way of life and their livelihood and confine them to small areas, they're bound to react in the way that they have in many cases, and they're in a pretty tough position. Of course, once people are in that tough position, it's easy to look down on them and say: "Well, gee, they don't deserve anything better, because look at them. Look at the way they're acting." They've had their entire way of life taken away from them and their land base. It's for the country's own good that they be given the rights that are due them.

2:22

MR. CHIVERS: What kind of a process do you see as being the vehicle to involve aboriginal peoples in constitutional talks?

MR. ROYCRAFT: Gee, I don't know. If I were faced with that problem, I'd probably call up some of the leaders and have to discuss it with them. I don't know exactly what process; I just know that something has to be done. I don't have a firm stand on that.

MR. CHIVERS: Also, I was interested in your comment with respect to secrecy in government. Do I take from that that you would be supportive of some form of constitutional entrenchment of freedom of information and access to information?

MR. ROYCRAFT: Absolutely. This, I think, is essential to democracy. You know, if you look at a totalitarian state, what do you have? You have secrecy. If you have a democratic state, you should have freedom of information. I cannot see how people can feel comfortable in a democracy when the government is able to withhold information that is essential in order to allow the people to make up their minds and to get the facts. I think the extent of government secrecy verges on the criminal sometimes.

MR. CHIVERS: Thank you for coming before us and giving us your views. I think one of the things that we're all learning in this process is – you've been able to see the diversity of the views that are being presented to us from some of the previous presenters and some of the presenters that will follow from you, so it's been a useful process in that sense too, I think.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. I just wanted to sort of clarify the position that you brought forward. You said you wanted a strong central government, and then you stated that there's got to be shared jurisdiction in a number of areas with the province. You also indicated some areas where you felt that a strong central government should be very active. I just wondered: what other areas would you see that this central government should play a major role in?

MR. ROYCRAFT: I think I would have to sit and ponder that for a while. I don't have a really ready answer. These things are not as simple as a person might think at first glance. I'm sure you realize that. I don't have a quick answer for that.

MS CALAHASEN: I was just thinking about what you said in terms of an animal with 10 heads and having a strong person who is the figurehead, particularly if you're looking at a family. The person who is a strong figurehead usually gives responsibilities to some of the provinces, or their children, who then look after those responsibilities. I just wondered what kind of responsibilities would be under the heading of the provinces and what kind of a figurehead that would be. I'm trying to identify what kind of a strong central government you mean.

MR. ROYCRAFT: It's a complex question. A government must have the power that is required to keep the country whole and functioning as a unit to prevent fragmentation, prevent all this talk about one part of the country breaking off and being independent and another part breaking off and joining the United States and so on. I think a strong central government will avoid these problems. On the other hand, I don't mean a strong central government such as Nazi Germany had or a totalitarian government at all.

MS CALAHASEN: I guess that's what I'm trying to identify. How do you identify a strong central government without the kind of all power that would be in one person or one particular government which then would mean that the regional diversities wouldn't be looked after?

MR. ROYCRAFT: Well, I believe that under the present system there's plenty of scope for provincial governments as they are set up right now to look after the interests of the provinces. I don't want to see the federal government weakened any further than it is.

MS CALAHASEN: Okay. Thank you.

MR. DAY: I guess, Mr. Roycraft, that was my first question. Basically, especially if politicians would be, as has already been said, more statesmanlike, you'd want to preserve the status quo in terms of federal/provincial powers. You don't want to see the provinces trying to gain more. You said: status quo, but use it responsibly. Is that what you're indicating?

MR. ROYCRAFT: Yes. I believe any system is capable of improvement, and in some manner or other I'm sure that there's lots of room for improvements. But I think it's suicidal to have the provinces set up so that they compete with each other or combine as a group to compete against less well-endowed areas.

MR. DAY: The question of environmental standards as you look at federal/provincial powers becomes an interesting one. Even when you start to define something like effluent – effluent meaning any liquid coming from a mill – it can be the type that evaporate on exposure to oxygen or sunlight or quickly dissipate. Some are perceived as being not harmful; some are harmful. What would you suggest to us in a situation where Alberta's standards are, as we've been told by many groups, possibly the highest in Canada, yet a neighbouring province goes with a federal standard which is lower than Alberta's? Therefore, some of their, maybe, air quality or water quality would be coming into our province. They are going with the federal standard in that province that for whatever reasons, research or whatever, we feel is too low. Is there a mechanism we can have to go to that other province? They could say to us, "Well, we're just following the federal standard, and we'd say, "We feel the federal standard should be up here." Is there a mechanism we could address in a situation like that?

MR. ROYCRAFT: Well, surely they could have the Council of Ministers of the Environment meet with the federal government, and surely that's a thing they can discuss. We've got a House of Commons Committee on Environment. They're all set up to discuss these things and agree on standards. What I see happening, though, is that when they do agree on these standards, then some provinces try to weasel out of them. This is where fragmentation of the country is only going to make the situation worse.

MR. DAY: So a negotiating process of provinces with the feds would be some type of mechanism?

MR. ROYCRAFT: Well, certainly. The House of Commons Committee on Environment is a very powerful and excellent committee. I think they do a lot of good, and surely mechanisms can be devised so that they could be improved.

MR. DAY: Yeah. That seems, I guess, to be the difficulty. There are mills and things like that in Ontario, for instance, that would never be permitted to even function here, and that's where you get the differences.

MR. ROYCRAFT: Well, surely that's true. But when you're faced with the industry saying: "Well, look, if you make us clean this up, we're going to move out and you're going to have 10,000 people unemployed. Then you're going to be in trouble. What's going to happen at the next election?" They're always threatening blackmail. So I think these corporations are responsible for a lot of that, and they're the people that have to be controlled. They cannot be controlled by the provinces; they must be controlled by the provinces all uniting through the federal government. Otherwise, we're just hamburger.

MR. DAY: Yeah. It does create a lot of controversy. I don't know if Mr. McInnis was suggesting that we shut down all the plants in Hinton because of effluent standards not being met. It's a difficult one.

MR. McINNIS: Do you want Mr. McInnis to say what he is suggesting?

MR. DAY: Final question. You talked about the CBC. How do we put a check in place? It's been suggested with the CBC, for instance, that some people are concerned about the fact that in analyses that have been done, the perspective is significantly left of centre in terms of whatever the issue being dealt with, and there's literature to support that. Is there some kind of mechanism that could be put in place? It's very touchy when you're dealing with the media. Obviously, you don't want to get into censorship and things like that, but since it is a publicly paid-for facility, is there something you could suggest there?

MR. ROYCRAFT: My response to that is that the CBC is only being intellectually honest.

MR. DAY: Okay. So you wouldn't want to see any kind of – even if the report seemed to say whether it was right of centre consistently or left of centre, whatever the perspective was.

MR. ROYCRAFT: I think there are sufficient pressures on the CBC to stay pretty close to centre. I personally feel that they're a little bit too far to the right, and you probably feel the opposite. So there. It must be right in the middle.

2:32

MR. DAY: Okay; thanks. I appreciate that.

MR. DEPUTY CHAIRMAN: Thank you very much, Tom.

MR. ROYCRAFT: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Craig Corser. I invite Craig to come to the table. Welcome.

MR. CORSER: Thank you.

MR. DEPUTY CHAIRMAN: Sorry to be running behind. It's hard to control this group, Craig.

MS BETKOWSKI: Us, not you.

MR. CORSER: Well, you never know with me.

MR. DEPUTY CHAIRMAN: Because there wouldn't be answers if there weren't questioners.

MR. CORSER: I'm from Edson, Mr. Chairman, hon. ministers, commissioners.

MR. DEPUTY CHAIRMAN: Order please. We have a presenter who would like to have the committee's attention.

MR. CORSER: Ladies and gentlemen, let me begin by saying how pleased I am to be able to make a presentation today. I believe that the process this commission is a part of will bring about massive, positive change to our Canadian society, and I think you're all privileged to be part of this process. We are, as well, to be made to feel welcome.

This process is not about accommodating Quebec, and I think there still is a feeling out there that this is why these commissions are being held and why input's being sought. I believe this process is about accommodating all Canadians.

Canadians are uneasy. As politicians, you know this better than most. They're frustrated by circumstances they find themselves in. The consequence of 20 years of deficit spending is high taxation. This has had a direct impact on all Canadians. Today's citizen is attentive. He or she is looking and listening for solutions to their problems. Canadians, I believe, are looking primarily for relief from taxation and more of a say in governance. Indeed, they believe that by having more of a say in governance, they would have relief from taxation. They do not believe their elected representatives represent their views. They do not believe they voted for the circumstances they find themselves in.

All political parties outside of government, whether provincial or federal, are benefiting from this phenomenon. As far as the public is concerned, no government is doing a good enough job. Witness the growth in popularity of all federal opposition parties and the development of two wholly new federal parties. Witness the gains of the Reform Party in Ontario at the expense of traditional parties, including the NDP. This is not seemingly logical. Political parties have been elected in Canada traditionally – and I believe they'll continue – by telling voters what they want to hear. The public is learning that government cannot or will not deliver on its promise to relieve their tax burden. The public does not accept how insidious the problem of deficit spending has become. What the public wants to hear today is that the public will have more of a say in governance. What the public believes is that this will result in a reduction in taxation, because that is what they intend to tell the government to do.

The constitutional challenge facing Canada today has many facets, and I'm only going to address one. It's fundamental. It certainly oversimplifies the situation – there are so many areas – but the fundamental problem I think we face in Canada today is with our very form of government.

Our system of federalism, based on the British parliamentary system, is antiquated and should not be reformed but rather should be replaced. The Prime Minister is not elected by the public. He or she is elected leader by his or her political party. They only become Prime Minister of the country if their political party wins a majority of the seats in the House of Commons. This results in a propensity for promises. It becomes important to present a pleasing package to the public at election time. For Canadian political parties elections are a zero-sum game, by and large. Winning means winning big; losing means being relegated to the wilderness of opposition.

In opposition elected representatives have virtually no influence on government. They dwell on the negative, scheming to undermine and discredit government, whatever the government of the day happens to be. This is really, in our system, the only means available to them to eventually become government. In our media-driven age, opposition criticism of government is by and large the only message reaching the public. Keep in mind that as of late the public is attentive, and they're looking and listening for solutions to their problems.

In Canada, in effect, the Prime Minister is not accountable to the people. In addition and compounding this is the fact that the Prime Minister exercises extensive control over his or her political party. Duly elected members of the government party are accountable to the Prime Minister. Income and status, including cabinet positions, are directly related to relationships with the Prime Minister. In turn, cabinet positions often result in elected representatives being unable to properly represent the interests of their constituencies because they're so burdened with management of their departments.

Party discipline, of course, is central to the British parliamentary style of federalism. Governments must maintain the unanimous support of their caucus in the House of Commons, or the government will fall. Public business is debated not in public but behind closed doors. The position of the government is decided in private, accepted by all members of the government, and only then is presented to the public. The responsibility of Her Majesty's Loyal Opposition in our system is to criticize the government position in public. This form of government sends all the wrong messages to Canadians. It may have been an appropriate system when only male landowners had the vote and when the media was really only an information source for the classes that had the vote. It's wholly inappropriate today.

Our existing appointed Senate is very much in keeping and consistent with our British parliamentary system. It's based, of course, on the idea that the privileged classes must monitor and, if necessary, block the will of the commoners. I do not believe that an elected Senate operating in the context of our present British parliamentary system would be any more effective than what we have in the House of Commons today. If our system is to be changed to make an elected Senate effective, then it is logical to reform our other political institutions to make them effective and representative as well. Surely Canadians do not want a triple E Senate to balance an ineffective House of Commons.

If I were to make recommendations, which of course are not going to be necessarily specific and appropriate, I would recommend that our Prime Minister be elected by the people and be in effect a separate branch of government. I would recommend that bureaucratic management be the responsibility of competent people nominated by the Prime Minister and ratified by the House of Commons and/or the Senate. I would recommend that the defeat of government legislation no longer result in the defeat of the government. I would recommend that there be fixed dates for general elections. I would recommend that we have an equal, elected, and effective Senate, and I would recommend that the Senate, the House of Commons, and the Prime Minister all have the equal ability to initiate and to block legislation. I know in many aspects this is similar to the U.S. system. It's not, I don't think, necessary that we follow the system we do follow; it's the British system. I don't think we have to have an adoption of the American system by any means. I think there are features of it which make it much more representative, much more open to the people.

The consequences of bringing government out of the back rooms and into the light should be severalfold. Elected representatives will be largely freed from party discipline. Party discipline will be balanced by constituent scrutiny. Dissent will be expected and tolerated. Voting will no longer be along party lines. Canadians will know the positions of their elected representatives. They will be able to tell whether their views are being represented or whether they're not. They will be able to judge the competence of their elected representatives much more easily. Citizens will hear the debate, not just the criticism. As a consequence, Canadians will be better able to understand the complex issues and the difficult decisions governments face. There will be less temptation for political parties to promise their way to power at the expense of the electorate. The Prime Minister's promises or the promises of any politician can effectively be blocked by political institutions if the promise is deemed to be not acceptable. All elected representatives regardless of their party affiliation will have a voice in governing the country. I think this probably is one of the most important points of all: every vote of every elected representation will have equal weight.

While this submission is written in terms of the federal government, parallel circumstances certainly exist provincially. Replace Prime Minister with Premier. We don't necessarily have a need for two Houses of government.

The division of powers between Ottawa, the provinces, and indeed local and municipal governments is certainly an immensely important part of this constitutional debate, and I don't have anything to say, really, on that. I wanted to focus my remarks. The basis for the division of powers in any case should be related to economic efficiency and political accountability.

I am not a political scientist. I don't suppose for a moment that what I've provided here is the answer to our constitutional problem. I do believe our present form of government, however, is dangerous, and I believe it's dying. Let us put it out of its misery before it has the opportunity to further damage our society.

Thank you once again for the opportunity to express these views, and good luck with your hearings and your deliberations.

2:42

MR. DEPUTY CHAIRMAN: Thank you, Craig.
Stockwell.

MR. DAY: Thanks, Craig. We always appreciate it when someone has taken the time to actually come up with specific recommendations, and it helps to hear them. One of yours deals with fixed dates for elections, which is of particular interest to me since I have a motion on the Table in the provincial Legislature asking that that happen. But I will be honest with you; I'm still struggling. Maybe you can help me in my debate when it comes to that and also for the bigger picture if we ever get this through. If we go with the fixed dates which I'm asking for so MLAs can have a freer vote, if a piece of business comes up for discussion and gets voted down, it simply is removed from the Order Paper; the government doesn't fall, because you know when the fixed date for the election is. But should there be a mechanism in place between the fixed dates, let's say every four years, where the government could still lose a certain type of vote and therefore fall and be defeated?

MR. CORSER: Well, in the kind of system I'm promoting, I think every elected member representing a constituency would be part of the government. Therefore government's don't fall; governments are. Change can occur, and the government will still be representing and taking care of the business of government.

MR. DAY: So you would see it in place for the fixed date then.

MR. CORSER: Well, what would it be? It would be a group of people representing the public in the House of Commons. Their party would be less significant because legislation could be initiated by anyone, as I'm sure it can be now, although it can be blocked pretty effectively. Virtually what you would have is an ongoing government without a true personality as we know it in the sense of it following political dogma of one form or another.

MR. DAY: Okay. Thank you. And division of power, federal and provincial, in terms of jurisdiction: economic efficiency and political accountability would be two main criteria in terms of the jurisdiction being provincial or federal on a particular issue.

MR. CORSER: Well, I think there's a case being made presently. Certainly I hear the city of Edmonton saying it's time for municipal government to also be recognized in the Constitution. So I think what governments at all levels are saying is that if we're accountable and responsible, we want the authority and responsibility to manage those areas. We recognize in our system that social issues are a provincial responsibility, yet taxation flows to the federal government. We've accepted this truism in Canada that we have to have universal standards and the money's directed back to the provinces and they're expected to meet federal standards on provincial responsibilities. There's a lot lost in the shuffle, and Canadians are starting to realize just how inefficient that type of thinking and that type of taxation and spending is.

MR. DAY: Okay. Thanks, Craig.

MR. DEPUTY CHAIRMAN: Has that pre-empted your question, Sheldon?

MR. CHUMIR: I'll defer for the time being.

MR. DEPUTY CHAIRMAN: John, were you seeking recognition?

MR. McINNIS: Mr. Corser, in the earlier part of your presentation you talked about how no government in Canada is doing a good enough job, and you said one of the unfortunate consequences of that was the growth of the NDP. I just wondered if you would indicate whether you are the president of the local PC riding association.

MR. CORSER: No, I'm certainly not, and I didn't make those comments. If you would like me to repeat them, I said that in the view of the Canadian public no government is doing a good enough job. I was saying that the phenomena we're witnessing is to the benefit of all parties that are not in government, including, of course, the Liberal Party, the New Democratic Party, and the Reform Party, which really doesn't even have a seat.

MR. McINNIS: All the opposition parties.

MR. CORSER: All opposition parties. All nongovernment parties.

MR. McINNIS: And you said that in our system the role of the opposition is to criticize the government. Am I quoting you correctly?

MR. CORSER: Actually, as I understand it, in our system the responsibility of the opposition party is to criticize the government.

MR. McINNIS: Does it surprise you to learn that opposition parties not sometimes but often propose alternatives to the government?

MR. CORSER: Well, what I see in the media may be alternatives, but it's prefaced by criticism. It's very uncommon for there to be strictly . . . Let's say we never hear much positive from the opposition.

MR. McINNIS: The system you described sounds to my ear an awful lot like the American system where the head of government is elected independently of the legislative branch. So the comparison is – that's pretty much where you're heading with it?

MR. CORSER: Well, no. I mean, we're dealing with a system that is pretty much like the British system. We're looking for better alternatives. The fact that this happens to be similar to the American system is not necessarily something we should shy away from. They have, you know, a fairly significant system of government.

MR. McINNIS: I'm just wondering what kind of experience you have with the American system. It seems to me there's an awful lot of the same type of complaints from Americans about their government. They feel governments aren't responsive, and there's the same kind of frustration. I'm just wondering if you . . .

MR. CORSER: Well, there very well may be, but I think a large part of what the Canadian public sees of its government, if they contrast that with what they see of American government . . . The comment was made to me directly on the crisis in the Gulf. Whatever your position, hearing the American Congress debating the issue fully and openly and the contrast with our Canadian Parliament really shows that one is actually debate and the other is a formality. I just think the public is really – they say they want more involvement. It's pretty difficult to facilitate that, but they should at least be able to rely on their representatives being able to truly be involved in a discussion of the issues within the government system that exists.

MR. McINNIS: Thank you. I apologize for misinterpreting the early part of your brief.

MR. CORSER: I think what you misinterpreted was the fact that in Ontario the Reform Party is gaining support at the expense of even the NDP, and the Reform Party and the NDP aren't on the same spectrum.

MR. DEPUTY CHAIRMAN: John would agree with that.

MR. CORSER: What is seemingly illogical, you know, is where the hell does the NDP get the supporters that are now going to the Reform Party? My goodness.

MR. McINNIS: Well, it's not so illogical that it . . .

MR. CORSER: It's not illogical when you consider that what they're really reacting to is existing government, and the NDP is an alternative and the Reform Party may be a little closer to an alternative for some of them.

MR. McINNIS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, Mr. Corser. I'm kind of curious about your suggestions re what I think you described as bureaucratic management to be nominated by the Prime Minister and then endorsed by the House.

MR. CORSER: Accepted, endorsed. Yeah.

MR. CHUMIR: When you refer to bureaucratic management, are you talking about the cabinet ministers?

MR. CORSER: Yes.

MR. CHUMIR: Would those cabinet ministers have to come from within the elected members of the House, or would they be like . . .

MR. CORSER: No. I think they wouldn't be, because if you take on the responsibilities of a cabinet minister, you have much less time to participate in the process of government and represent your constituency.

MR. CHUMIR: So that would be like the U.S. system in that regard, where they come from outside the elected sphere.

You mentioned that the Prime Minister would be elected separately, which again sounds very much like the American system, but I'm wondering: what powers or extra authority, what clout would that Prime Minister have? Do you envisage some special powers like division of powers in the United States, or would the Prime Minister's powers depend simply on the type of support he or she could muster within the House?

MR. CORSER: Well, I think that's the type of balance you want to strive for, which is to develop co-operation between the branches of government and an exchange between them in order to accommodate the agendas of the various people involved in various parties.

MR. CHUMIR: But do you envisage or are you saying that the Prime Minister then would be a separate branch like the executive branch in the United States and you would have to define certain powers in the relationship between the President and the House?

MR. CORSER: Yes.

MR. CHUMIR: In other words, you're pretty much suggesting the American congressional system.

MR. CORSER: Well, you know, I guess what I am suggesting is that we've got pretty much the British system, and if we're looking at alternatives, there's not a damn thing wrong with looking at some of the other models in the world. I don't have a reaction to the American system the way some people might have.

MR. CHUMIR: No, I wouldn't be critical of you, but it sounded like a bit of a . . .

MR. CORSER: I think it's a better form of federalism. It might work a little better.

MR. CHUMIR: It's beginning to sound to me in fact like . . . You know, I don't see much difference between this and the United States concept. I don't say that critically. I'm just trying to understand your thinking.

2:52

MR. CORSER: Yeah. Right. I say the model we followed is inappropriate, so let's look for another one.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Actually, my question was pretty well asked by Mr. Chumir, though in terms of the systems one might suggest that a difficulty with our current system is that we've been trying to deal with the British precedent through the years and have now begun to mesh some of the written laws with the old precedent system and have not allowed for those traditional precedents to control aspects of our parliamentary system. In other words, where the Prime Minister originally was controlled by the caucus choosing the Prime Minister – therefore, a balanced relationship in Britain – we haven't done that. We've taken the American-style selection of a leader by political party, but we've left undefined the powers of the Prime Minister. You obviously favour the American style system. Would you also favour – and you may have answered this with Mr. Chumir's question, but just to be clear – written parameters of power for the different offices? In other words, a Prime Minister has these specific powers, a Member of Parliament has these specific powers, a Senator has others, and the administrative branch, which you've talked about, would have others as well. Do you also prefer that part of the American system?

MR. CORSER: Well, as I said, this is purely conceptual. I'm not a political scientist. I would assume that type of thing would be logical. Really, what I'm talking about here is ideas. It's a long way from ever being realized.

MR. ANDERSON: We need all we can get. Thanks, Craig.

MR. DEPUTY CHAIRMAN: Thank you very much, Craig.

MR. CORSER: Thank you.

MR. DEPUTY CHAIRMAN: Now, members of the committee, we'll move into the unscheduled part of our meeting. Those who have presented so far had made prior arrangements. We have three people on the list who would like to present now. The first of those would be Simone Topott.

Welcome.

MRS. TOPOTT: Thank you very much. I didn't come today with the intention of being a presenter, so if my few scribbled remarks are rather vague and disjointed, I hope you'll bear with me on this. I must admit that neither am I prepared to be as intensely grilled as some of the previous presenters have been.

MR. DEPUTY CHAIRMAN: We try to be easy on people, Simone.

MRS. TOPOTT: Thank you.

There are three words in the Canadian vocabulary which are not only overworked, overused and, in my opinion, objectionable, but these words have done more to divide this country and its peoples one from the other than any others. These words are Anglophone, Francophone, and multiculturalism. Before I hear any rumblings of redneck, racist, Albertan or whatever in the background, I would like to point out that my ethnic origins are both French and English, and my extended family contains many ethnic origins, as does most Canadians'. I do not object to bilingualism when it means fluency in two or more languages. However, it was when bilingualism in this country, meaning French and English, became official policy of the government that we got into trouble. I would like to point out that I studied French in school from grades 8 to 12 – and this was many years ago, I assure you, in very small communities, and by that I mean populations of less than 500 – before the word "bilingualism" was even part of our language. I might add that French at that time was a core subject and not an option. Even then the French fact was recognized by the educational system in western Canada.

Surely it is time to recognize that official bilingualism was merely a sop thrown to the Quebecois to take their minds off the real problems they faced in their province by a Prime Minister whose agenda was very much his own. At least that is what I feel. I have never been convinced that the French-speaking citizen of Trois-Rivières or Chicoutimi gave two hoots whether we spoke French in the west or had bilingual signs on our highways. The terminology of official bilingualism has driven a wedge between French-speaking Canadians and all other Canadians whether they speak English or otherwise. This may never be reconciled.

I believe we have always recognized the diverse cultures of this country. We come from various backgrounds. In our often muddled Canadian way, we worked together to build this nation, perhaps not always harmoniously, but we got the job done and we were Canadians. Once again governments intervened. It was not enough that people of various ethnic origins preserve their customs and cultures in their homes; it must become an official policy of government, funded by the taxpayer. Once again our differences were emphasized, and instead of directing our resources to furthering Canadianism, we ghettoized the newly arrived members of our society and further divided the people of this country.

Perhaps what I am trying to say is that we must do away with the divisive and destructive language that is so popular today and concentrate on promoting Canadianism and the things that bring us together as Canadians.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Simone.

I'd just give the members of the committee a chance to collect their thoughts in case they would like to pursue any of those points.

Mr. Day.

MR. DAY: Thanks, Simone. First of all, there's no concern about rumblings of any kind when someone espouses a certain view to the committee here. You were concerned about how you might be categorized, and certainly that doesn't happen from this committee. We're in an honest search for answers to help formulate an Alberta position, and that's why at times it might appear there's some intense questioning going on. When we see glimmers of things we haven't thought of before, we kind of zero in on that like hungry robins after a nugget on the fresh dew on the grass to try to help our own understanding. So I hope you don't misinterpret that.

In the area of multiculturalism, are you making some suggestions in terms of the funding or nonfunding.

MRS. TOPOTT: Indeed, I am, yes. I am firmly opposed to government funding of multicultural organizations. I think in most instances this funding is suspect in that it is politically motivated, and I don't think the onus should be on the taxpayer of the country to promote and preserve the culture and language of any other ethnic group.

My father, who is of western French-Canadian origin, lost his language as a young man mainly because there were not that many French-Canadians in the west at that time. He only regained it when, through his second marriage, he married another French-Canadian lady from the province of Alberta. I did not have the opportunity to learn the language from my father, because my parents were divorced when I was very young and I lived with my mother. However, they had four other children, two of whom have retained the language and two of whom are not very fluent at all. However, it was their choice in the home, and they expected no government money to encourage them to teach or for their children to learn this language, and I do not believe that any other ethnic group should be encouraged by the use of public funds. There is, of course, nothing wrong with groups from other countries wishing to maintain their language and their culture. That's to be expected, but I think we are promoting divisions when for political and largely political reasons we fund groups and say, "Now, you build yourselves a little hall here, and you use this hall to recognize your cultural holidays and religious traditions and speak your language." We find these people huddling more and more together in their own little groups and in their little halls and forgetting the reasons they came to this country in the first place, because they're tending to look backwards from whence they came rather than forward to working and building Canada.

3:02

MR. DAY: Thanks. I was just looking for clarification on that.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. I've just got a few questions, Simone. In your view, in terms of the Anglophone and the Francophone in a multicultural – the words that sort of divide groups – one of my questions is relative to the other group which does not consider itself multicultural because of the tenets or the principles within the multiculturalism Act: the aboriginal people. What I wanted to know is: what is your view in terms of their particular position and the stand that they have taken relative to entrenchment of aboriginal rights in a Constitution?

MRS. TOPOTT: I don't pretend to be any kind of a constitutional expert. Like most Canadians I shout imprecations at the television set and throw my newspaper in the garbage when I'm unhappy with what I read or hear. However, I've always felt that if we were going to be a truly bilingual country, then perhaps we should be speaking English and Cree or whatever the native language is. The aboriginal languages of this country are the ones that should be included in the bilingual nature of this country.

MS CALAHASEN: To follow on that particular one – and I thank you for the information – bilingualism, of course, you said is fluency in two languages. I am bilingual. Unfortunately, one language is not an official language. In your view, then, would you say that the federal government should be able to dictate as to what is going to be done in terms of bilingualism or any language Acts that will come through in a constitutional way? Should they have that right to be able to do that, or should it be provinces who should be able to dictate what should happen in their own areas?

MRS. TOPOTT: I would have liked to have had that responsibility myself. There are many things affecting Canadians constitutionally and in a very large way that we have never had the opportunity to vote on in this country, bilingualism being one of them, right down to minor things like changing the words to the national anthem, which somehow got past everybody. I don't believe that bilingualism should be an official policy of any government. I truly believe that official bilingualism has been a major cause of a large part of the divisions in this country.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, Simone. Earlier this afternoon we were talking about private schools of a religious and ethnic nature. It was suggested that those divide and that we should not, as we do in this province now, be providing public funding because that encourages divisions, and our funding should go to bringing people together through public schooling and so on. Do you have a view as to whether or not we should be funding such private schools in this province?

MRS. TOPOTT: Well, I have to say that I am not a Roman Catholic, and my husband is not either, so our children have not been raised in the Roman Catholic faith. However, my granddaughter attends the Roman Catholic school in Hinton, and we divide our school taxes proportionately because my other grandchildren attend the public school system. I have no quarrel with that.

We have sanitized our public school system, if I may use that word, to such an extent that we are not allowed to say the Lord's Prayer; we're not allowed to celebrate many of the traditional Christian holidays and things in our schools anymore. By attending the Catholic school, my grandchild is at least getting some notion of a religious training. Now, this is not – what's the word I want to use? She doesn't have to take part; she doesn't have to participate in these things. But there are certain things that are done through the school that are available to her, and to this extent she is getting a certain amount of religious training through her schooling.

MR. CHUMIR: I wasn't talking about the Catholic system, which is a part of our Constitution and it's part of an expanded public system. I was talking about private schools.

MRS. TOPOTT: No, I realize that. I just wanted to point that out because this was made before. I have no problem with the funding situation as far as the school situations are concerned.

MR. CHUMIR: Well, if I wanted, then, to have a Hindu school or a Muslim school or a Sikh school or an oriental school or a school relating to language, as Punjabi – I thought I heard you saying you don't think public funding should go into those areas.

MRS. TOPOTT: I don't think I was referring to education as much as I was to ethnic organizations which are there only to – I'm going to get myself into hot water here; I just know it.

MR. DEPUTY CHAIRMAN: You've got to be careful of Sheldon.

MR. DAY: You didn't get yourself into it.

MS CALAHASEN: He's a lawyer. He's leads his witnesses.

MRS. TOPOTT: Well, goodness; maybe I'll just back off from this because we're getting into this religious aspect, and that was not my intention.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Jerry.

MR. DOYLE: Thank you, Mr. Chairman. Simone, you mentioned that you didn't want to see any dollars going towards multiculturalism. Do you see the aboriginal, or native, people as a multicultural group or as Canadians like the rest of us?

MRS. TOPOTT: Oh, certainly as Canadians.

MR. DOYLE: So that's not a portion of multiculturalism?

MRS. TOPOTT: They are the original Canadians, and I firmly believe that the public funding that goes towards their aspirations as Canadians is well deserved. I don't have a problem with that at all. I have a lot of trouble with public funding of many other organizations. You can go down to the town hall here and find a list of everything from quilting clubs to square dance circles that are getting public funding; that I don't agree with either. But as far as native organizations are concerned, no. They are the original Canadians, and they need all the help and support that they can get.

3:12

MR. DOYLE: Thank you. I just wanted to clarify it, because some people see the aboriginals for some reason as a multicultural or a cultural group.

MR. DEPUTY CHAIRMAN: Simone, thank you very much for your presentation.

MRS. TOPOTT: Thank you very much for hearing me out.

MR. DEPUTY CHAIRMAN: Next on the list is Marilyn Kan. Welcome.

MS KAN: Thank you. Good afternoon. I'm another one of these people who came perhaps not knowing whether they wanted to say something or not, but certainly I did not come without thinking about the issues. I don't have any political science background. I think I've been a member of several political parties, largely to see what they told their insiders, and I found out it wasn't a hell of a lot more than they told the outsiders.

MR. DEPUTY CHAIRMAN: What you see is what you get I guess, Marilyn.

MS KAN: I don't know. I certainly concur with the general level of discontent about our governments, provincial and federal both. Municipal: I come from Jasper, so I have to accept that as a fait accompli, and I do willingly.

The one thing that hasn't come up in the list of things that have upset people – we've mentioned the aboriginals; we've mentioned the environment; we've mentioned Meech. I think the question period and the petty level of confrontation that takes at least half of that time is a thorn in anybody's side when they watch it. To me the complexity of our tax system just makes me wonder who it's designed for. I don't think it's for the general good. I mean, even my own income tax – and I'm a simple has-been wage earner – was just ridiculous.

In terms of abuse of power that people have commented on, there are two types. There are people individually who get elected and think they're above or beyond the law. Then there are groups who get in there and think that they also can ignore the laws that they've put in and that if you just hire more lawyers, more TV advertising, and more pollsters, you can figure out a way to argue that black is white and everybody will believe you. Maybe until recently this has been the case, but the population is getting a little bit more alert, I think.

Okay. The main thing that I have been thinking I wanted to say was to do with this window of opportunity that we have as a nation to do with this constitutional reform. At least we've come to the point – and we can thank Mr. Mulroney and Elijah Harper for getting us here – that everybody agrees something has to be done.

As far as I can see, just sort of distilling the ideas that I have heard from other places, because I certainly haven't generated any of these myself, I think that nothing short of a constituent assembly will do. This is individuals who have no direct political connections at all, no direct connections to any government at all. For example, these people could be selected at random from a pool. That pool could be comprised by nominations. The nominations must come from groups like professional groups, trade groups, environmental groups, industrial groups, unions, municipal groups, but not political parties and not their direct affiliates. The people nominated could include politicians but happening to be nominated by these other, nonpolitical groups. The groups who get to make the selections I would see perhaps being determined by MLAs and MPs, maybe Senators. I would like to see a minimum of partisan politics going on at this point and a good show of co-operation that would get the system going, happily.

Another issue that I think has to be addressed and surely would be addressed as part of this constituent assembly is our electoral laws. Right now I think money talks too much in our election processes. I think honest debate and a good exchange of succinct ideas doesn't talk loud enough. Our constituents have to have an open debate with politicians, with candidates, and not be wondering whether the candidate is saying what they believe, what they'll work on, or are they saying something that will get them a vote? At the same time, the candidate is faced with a very strong conflict of interest. That is because he needs money to run his campaign, and he's getting this from people who are not direct stakeholders in the community, from corporations, particularly multinational corporations, wealthy individuals who have financial interests in the area, et cetera. This dual allegiance is just impossible, I think, and as far as I can see, it's got to be maybe one of the main reasons why we get the kind of nonsense we're into now with the Al-Pac mill and the Oldman dam and garbage and this whole bag of worms.

I do agree that there ought to be a system of recall for your elected representatives, and I'm talking provincial, if that system persists, and federal and municipal. I mean, I don't know what this would be. It obviously would have to be something pretty formal and pretty serious. Nevertheless, to give somebody rein to reign and ruin for four years or five years or whatever maybe is not such a good idea.

About the Senate. I cannot see, unless we can get a long ways away from the problems I have with the current election system, that we want another system of electing anybody. I think it's got to be appointed, but the same considerations apply. I do not want it appointed from political parties, or at least not the way it is right now. Part of my concern is to get people in government, for one thing, who would not go through the mudslinging that our current elections involve, who have had substantial careers in a variety of fields, not just in law or small business. I want academics in there. I want people in this particular 21st century coming up who understand nature and science and who do not think that if they just say so, pollution isn't pollution; it's now just drinking water. There is a limit to what nature can tolerate, and I think possibly one of our problems now is that we have too many people in government in positions of power who have not studied natural systems and do not know what the real limits are and how to judge what science is telling them.

I think that the Senate could be appointed from lower levels of government, including the municipal and certainly the provincial. I think it could be appointed proportional to the popular votes, for example, so that it's not just the people in government but that the other political parties get a chance to nominate.

This is the last point I want to make. An issue that's come up today a couple of times, and I hadn't really thought of it before, was the division of powers. I'm sorry to say it to this group, but I really think the provincial level is the one that we maybe should be diminishing. I think we need a strong central government, the same as one of the gentlemen earlier, and because of the complexity and the size of cities in this day and age, we need stronger city governments. The provincial level is somewhere in between there, and I really don't know how to divide the powers up, but the cities have to have more power to enhance the quality of life that most Canadians have to put up with.

Thank you very much for your time. It's been a very interesting afternoon so far.

MR. DEPUTY CHAIRMAN: Thank you very much, Marilyn.

The first member of the committee to be recognized is John McInnis.

MR. McINNIS: Marilyn, thank you for your presentation. You covered a lot of ground, and you gave us some useful material to work with. For not having prepared in advance, you managed to cover a lot of good points.

MS KAN: I had thought about it.

MR. McINNIS: Well, of course, and it shows.

There are many aspects I'm interested in, but if I can just zero in on a couple. One you mentioned was question period. You know, I've thought about that a lot, because that's the highest profile part of our parliamentary system, the part that the public sees the most. I guess it's the reason why the other gentleman feels, for example, that opposition is negative and you feel that there's all of this rude behaviour that goes on in government. The truth is that there's a lot more to it, but because of the focus on that theatre and the particular rules of it, all you get is sort of accusation followed by denial and counterallegation. I recall vividly my first experience personally with it. When you have basically one sentence preamble, one question, one supplementary, and you're out, there isn't a whole lot you can do. I wonder if you might feel that if somehow those rules could be relaxed and people could be a little more human like we are in this setup, maybe in a question period setup that would bring people closer to their governments?

3:22

MS KAN: I can appreciate that question period just represents perhaps some relatively minor point of MPs' and MLAs' days, and I'm not familiar enough with whatever the rules are to comment. But it strikes me that if they would at least remove the first part of each sentence, which is some kind of derogatory statement about the other guy, and just get on with the question, it would save TV time.

MR. McINNIS: The government members here seem to be all in favour of that.

MR. DEPUTY CHAIRMAN: As Deputy Speaker I'm encouraged by that.

MS KAN: And in terms of political comment when I hear . . . I must confess, I'm one of these people that rely very heavily on CBC radio – I don't have so much hope for the TV – for my information. But I also read newspapers from New York, Washington, and London when I get my hands on them, and I think that CBC stacks up very well, given those other opinions of what's going on in our country.

In terms of political comment Peter Gzowski has Kierans and crew on – what is it? – Thursday mornings, and that to me is enlightened political comment. You know, you can hear their original right, left, middle biases coming through, but they are not afraid to give the other guy credit for something that they approve of, and they have a longer view. They're not just looking at the next election or the next annual report for some multinational. Even the CBC program on Saturday morning, *The House* – frankly, I turn it off when they turn to politicians to get any kind of input, because it's so repetitive and so simplistic it's not worth it. That to me substantiates what I see in question period, I'm afraid.

MR. McINNIS: Well, I certainly think that you shouldn't criticize without providing alternatives, and I'd trade all of the opportunities for insults in the world for a chance to explain an alternative prior to a question.

MS KAN: I'm sorry. I didn't get the meaning.

MR. McINNIS: For the chance to put forward an alternative in the context of raising a question.

MS KAN: Well, maybe question period is not possible to do, whatever the rules are, in a meaningful way. I don't know. Maybe they should have cameras in the committee rooms so we can see what really is going on, if that's where the good stuff is supposed to be going on.

MR. DEPUTY CHAIRMAN: Many of us members have always wondered where the media went after question period, because there is a large part of the parliamentary day . . .

MS KAN: Yeah, so it's back to the TV and the ratings game. Gee whiz, if we get going on that, you'll have to shut me up. The misuse of TV on this continent is horrendous, legislated.

MR. McINNIS: I took also from your comments, Marilyn, that you saw a connection between multinational corporations financing election campaigns and the amount of pollution in some of the rationalization that we get from government, that those two things were sort of connected.

MS KAN: You've connected them a little closer than I wanted to. I would like to see government . . . I think in Germany, for example, and some European countries, governments pay for election expenses. Now, I don't know under what kind of details, but this business of having to raise big bucks, particularly so you can put commercials on TV and sell yourself like so many cornflakes – this is undermining democracy. Who are the – I don't know. I know there are some kinds of regulations about where you can get money and how much you can spend, et cetera, but I just feel these commercials, for example, are a very negative part of our election process, and they need big money to do a good commercial. I think that whole part should just be dropped in the interests of democracy and communication.

MR. McINNIS: So if I'm understanding, you would like to dramatically reduce the amount of money spent on campaigns, to introduce perhaps some public financing, and to limit the contributions by large corporations?

MS KAN: Limit severely, and publicize absolutely what they are. And mandate access to the media by the candidates so that we can have debates, not commercials – you know, a minimum five minutes or something – and multiparty debates.

MR. DEPUTY CHAIRMAN: Mr. Day.

MR. DAY: Thanks. Marilyn, the question of constituent assembly has been raised a couple of times. I wonder if you can just help me understand a bit more how – and suggestions in pursuing this. First of all, you're talking about constituent assembly to decide constitutional issues. Is that correct?

MS KAN: To decide a whole new constitutional framework, if that's how we're going.

MR. DAY: Okay. Yeah. I guess the part I'm wondering about . . . Presently to be elected, the only disqualifying factor, I think, is citizenship; you have to be a citizen. There's very few disqualifying factors right now to be elected municipally, provincially, or federally. You're suggesting a fairly large disqualifying factor, which would be no government connections at all and not political groups or affiliates of political groups. I'm just wondering if you can help me understand that. For instance, in a constituent assembly I think there would be some excellent people in labour groups, yet labour is a major contributor to the ND Party. I don't think that should be a . . . Help me to understand why I should disqualify a good labour representative even though labour contributes heavily to the NDP political campaigns and TV ads and everything else. Can you help me understand why there should be a disqualifier because somebody has identified themselves strongly with a certain philosophic . . .

MS KAN: No. I think I must have mispronounced myself here. What I was suggesting, as someone else already has, was that the final names of the constituent assembly be pulled from a hat, from a larger body of names. These people who are in the larger body of names, these people nominated will be nominated by groups. I exclude the political parties from that, but I don't exclude any individuals from it, from anywhere. I'm saying that groups like your labour unions, like your municipal Lions groups and municipal community action groups, trades, professions, academics, these are the groups that will nominate individuals. They don't have to nominate somebody from their own ranks necessarily. I mean, they could say, "We like that MP, he's a really good guy, he really knows our field of interest, and we like the way he acts," and they'll nominate him. But I'm just saying that I really want to see – and I realize I'm going overboard and there will be probably a compromise in the best case. But I really want not to have this thing dominated by politicians. I want us to get a broad range of expertise involved and try to limit the vested interests that have helped to get us into this muck right now. So I'm not limiting politicians, but I'm just saying . . .

MR. DAY: No, I wasn't worried about the politicians. I was worried about citizens who affiliate themselves with political parties being disqualified.

MS KAN: Yeah, okay. So you're saying that because the labour union contributes to the NDP, they would be disqualified the way I had it set up.

MR. DAY: Right.

MS KAN: Okay. I was thinking more a formal affiliation like the friends of a Conservative Party that put on election campaign TV ads the last two weeks of the election or somebody like that.

MR. DAY: Yeah. Well, the labour one is very formal also on both sides of the spectrum. I just wouldn't want to see . . .

MS KAN: Okay. So then there's got to be some definition there. I wouldn't want to eliminate labour from this process either, and similarly I guess I don't want to eliminate somebody from the Fraser Institute. But the Fraser Institute is more likely to get in there right now than the labour unions.

MR. DAY: Just quickly. One of the main things we're hearing from the public is that they want more participation. Participatory democracy is now, and it's even more so in the future. Would you expect a negative reaction from the public in general on this type of process where people are being nominated without the broad public being able to have a say in who the nominees are?

MS KAN: Well, these are the broad public. I mean, I don't know. What are you getting at? Are you saying that an MLA is more directly a representative of the broad public than . . .

MR. DAY: No, Marilyn, I'm not talking about MLAs at all. I'm thinking if the average citizen who's going to vote for a constituent assembly would have nominees that were appointed, he or she may not have had any opportunity to get involved in that nomination process.

MS KAN: I don't see the grass roots voting for this constituent assembly. I see groups being selected by our representatives as representing – these groups are from a broad spectrum of society, and these groups are the ones that nominate people to . . .

3:32

MR. DEPUTY CHAIRMAN: To the assembly itself?

MS KAN: But it's not to the assembly, because they're still going to weed them down a little bit by pulling out of a hat, but nominating them to this pool from which, you know, whatever number you want is going to be selected to get a manageable number.

MR. DAY: Okay. I see what you're getting at there. So if you could just help me. From the groups, then, that you talked to or maybe your own group that you've chatted this with, you don't think there'd be a reaction from the public that the Constitution was being re-formed by people who weren't elected by the public?

MR. DEPUTY CHAIRMAN: They were chosen from a hat.

MS KAN: Well, maybe you could publish the list of groups that you're going to allow to nominate one person to this pool, and if the public says, "Well, out of this whole group of people, this society's been left out and it should be in there," then maybe let them in or something. You let them in at this stage to let the public comment on the list of groups who are going to be allowed to make the nominations or something.

MR. DAY: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. You've been very clear about the need for a strong central government, something that I'm quite enthusiastic about. Out of an abundance of caution in order to ensure that there's no ambiguity, I just want to ask you about something in detail. I assume that you approve of the federal role in setting minimum standards in respect of our medicare and our social programs.

MS KAN: Yes, indeed.

MR. CHUMIR: Now, the provincial government has been arguing that this is an encroachment on what are really provincial powers over health and social services. If that be the case, then would you be in favour of some change to our Constitution which would ensure that the federal government in fact is given a mandate over those two to set those standards?

MS KAN: Well, you're involving me in a lot of detail which I'm not very adequate to deal with, but I do revere our medicare system. I think it's wonderful that we have it, and I really resent anybody who goes at it. I think it's got to have national standards.

I also think that we're coming to a crunch in the medical system, and this is again maybe why I want to have scientists, doctors, a nice broad background involved in our governments, because the high-tech, expensive treatments are getting a lot of glory, and we can't afford to have these for everybody. On the other hand, there's a lot of preventive medicine that's being completely overlooked because it's not sexy. We've got to get a better handle on health maintenance as opposed to disease treatment. Pollution certainly comes in on that and the whole cost/benefit analysis. You've got to not just look at one company and its profits. I mean, you've got to look at the whole of society and who's paying to clean up the mess, and these have got to be federal standards.

MR. CHUMIR: Do you think the federal role should be recognized explicitly in the Constitution?

MS KAN: I assume so. Sorry; I don't know the intricacies of what you're really getting at. I'm just saying what I want to see in the final analysis.

MR. CHUMIR: Okay. One final question. We've heard some support for entrenching a right of access of citizens to information from governments within the Constitution. Would you be supportive of something along those lines as well?

MS KAN: I would think that should be a right of a citizen, to find out who's made the decisions in government and keep them accountable, yes, and with some kind of time line on this process too.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Marilyn, I wanted to focus also on your thoughts concerning the constituent assembly. If I understood your thesis correctly, what you were wanting to do is to purify the process, if I can use those words – and I don't use them in a derogatory sense – in the sense of trying to make that process as remote from the present political process as possible and to take the politicians' overwhelming influences out of it as much as possible. Is that . . .

MS KAN: Well, the political establishment, by which I combine the politician, who is the part of the iceberg that's above the water, and the people who have vested interests in this guy's decisions, who are the part of the iceberg below.

MR. CHIVERS: Right. It's not often Mr. Day and I share the same viewpoints, but on this one I have the same concerns he has, because if I understood you correctly, you said our representatives would select which groups nominate. I assume when you said "our representatives," you were speaking of the government and presumably the government of the day, whatever government that is.

MS KAN: Well, I would think it should go further than the government. I would say it should be an all-party motion or something; you know, all the MLAs and MPs. Surely they can agree on this.

MR. CHIVERS: You see, my difficulty is this: he who gets to choose who gets to nominate controls the process, and also in terms of how many people are going to be nominated from each group. Are you going to give equal weight to each group?

MS KAN: I would think you'd have to. Maybe we need a group of academics to decide this process, but it just seems to me it's . . .

MR. CHIVERS: I guess the problem is: how do you take politics out of the process at any level, whether it's at a university level, academics? It seems to me that we're better served by recognizing that politics is very much a part of our decision-making process and not just in a partisan sense, to recognize that fact and to structure our process to accommodate that rather than try to deny its existence.

MS KAN: Politics is the way we all decide how we're going to live together, and this shouldn't be a derogatory word either, I agree. I don't have answers. I mean, you're coming to the finer strokes there, and I don't have answers for that, but I just think it should be a very broad-based constituent assembly with the emphasis on the groups that are not normally part of the legislative process.

MR. CHIVERS: On that I agree with you entirely. I was wondering. It seems to me one of the groups that you didn't specifically include, and I'm sure you didn't intend to exclude them, was aboriginal peoples. In terms of this I would have thought that your model would have included them and that you would want their views represented in it. And what about regional representation in this constituent assembly? Is that important to you?

MS KAN: It would have to be accommodated somehow, yeah, and similarly with this new Senate. It would have to be accommodated. I don't have answers for that.

MR. CHIVERS: What about the question of voting populations? Are the numbers of the representatives from the various organizations going to reflect their population numbers in some fashion? Is there going to be some sort of representation by population to the constituent assembly?

MS KAN: The only thing that occurs to me right now is that maybe if every MLA and every MP got to nominate one group or something, you'd get it that way.

MR. CHIVERS: Anyway, I don't intend to put you on the spot, because I see part of this process being for us to exchange views and to try to show some of the complexities of these decisions. Also, I think the interesting part of the process is, in a sense, it is taking some of the politics and the partisanship out of it, because we're all having to meet the ideas of individuals who come forward and say, "Hey, this isn't working; we want something different, and we've got to start looking for something different."

MS KAN: I don't know. Maybe you just go and see which groups are registered under the Societies Act. I have no idea, but I just want other people involved in the selection process. Also, this drawing out of a hat that somebody recommended two or three months ago struck me as a good way of disconnecting the person who is finally sitting in the constituent assembly. He wouldn't necessarily know who chose him in the first place. Maybe he would, maybe he wouldn't, but he's still going to get picked out this way.

MR. CHIVERS: We had a suggestion the other day in Calgary that the selection should be made by the Order of Canada, so we've had a whole host of different . . .

MS KAN: Yeah, absolutely. Well, maybe I'd turn the whole thing over to that group, period. Yeah.

MR. CHIVERS: Mr. Day had some problems with that too.

MR. DEPUTY CHAIRMAN: Dennis.

3:42

MR. ANDERSON: Thank you, Mr. Chairman. I, too, am interested in the constituent assembly concept and have similar thoughts as my colleagues do on that. Although before doing that, I should state, which I probably should have some time ago, that in terms of Mr. Chumir's preamble to many of these questions, as a member of the provincial government I have never been part of a discussion that suggested that we should withdraw from medicare or in some other way undermine that system. We have talked about whether there are powers at a national level that in our fast-moving world, once our systems have evolved, could in fact be better administered on the part of the people closer to them. But I've never heard the suggestion from the government side with respect to health care, for example.

Anyway, with regards to the constituent assembly, I very much appreciate you bringing in the idea. We're giving you a rough time in a sense on the details of it, which is a little unfair because the idea is much appreciated and it coming forth is important, I think, at this juncture, but it does underline the difficulty that we have in trying to find a mechanism that will involve the public, allow them to feel involved and yet still be representative. Since our democracy itself in electing people is supposed to be representative, finding some alternative is difficult. I guess I'd suggest that there are two problems with the mechanism you suggest. I only do that to say that we need to still think about how else we might do it, and I'd appreciate your further thoughts at a further time on it too.

One is determining what groups those would be that nominations come from. The Kidney Foundation as well as the mentally handicapped? Which native organization: all, none? Are they the Labour Congress or all parts of the labour organizations? When you try and do away with some political involvement – Mr. Day dealt with the difficulty of political parties, but it goes further than that. You know, are five members of my executive who've constituted themselves as citizens for a better Canada eligible, although they're my executive members, or aren't they? We have all of those questions.

Then I think the second difficulty is that even if we could conclude on that process, I ask the question: would Canadians be happy with deciding on the future of their nation by lottery? In other words, by taking out of a hat, as you suggest; by luck as opposed to by choice. Maybe, but I . . .

MS KAN: If you'll excuse me, I think you're using a very common debating tactic, and that is taking extreme positions and trying to undermine the general case by using them. I mean, this is not a lottery insofar as these people have all been appointed by some groups that presumably have been approved by people like yourselves as responsible and significant members of society. So this is hardly a lottery. All of the candidates are good candidates.

MR. ANDERSON: But are they all acceptable to the public?

MS KAN: Well, all of them are not likely to be acceptable. Any particular group is not all acceptable to any member of the public necessarily.

MR. ANDERSON: Would you be happy to be represented by the six of us as an organization choosing somebody who happened to get in there because their name was picked out of a hat?

MS KAN: Can I go back to the top of your comments? Your comments – and you've made them to other people in this group – about having the provincial level administer things and decide things because they're closer to the people. I would put it to you that a regional government is closer to the people yet and that in a lot of cases some of the things that the provincial government is trying to do might be better handled by the municipality. Maybe the provincial government should be a creature of the municipalities instead of vice versa the way it is currently or a creature of the municipalities and the federal government as an administrator/regional co-ordinator.

Now, you say the public "feel involved." I sort of get nervous about that word "feel" involved because I think there's been a lot of pollsters and whatnot coming around to find out how governments can put things so that the public "feel" involved, but I want them to "be" involved, to be involved and not then have their decisions – this constituent assembly, for example – filtered through the current political Houses. I mean, this constituent assembly would have authority to come up with the final recommendation. I don't want just the appearance of involvement.

I can't select who these groups would be, and obviously we don't want it to be the mental defectives of bloc 1222 Cabin Creek in Jasper. There's got to be some kind of criteria for these associations who are going to make these nominations. Surely an all-party committee or some of our other famous solutions in Legislatures would be the group to figure this out a lot better than I can. But it's got to be groups of substance and of some tradition and of some contribution to society, economics, industry, and whatnot.

MR. DEPUTY CHAIRMAN: Thank you very much.

MS KAN: Thank you very much, and good luck.

MR. DEPUTY CHAIRMAN: Our last person on the list as far as the committee has notice is Mr. Aime Auriat.

MR. AURIAT: That's pretty close.

Tell you what; just to show you how gathered my thoughts are, they're all noted on the back of display cards. I get to read this side while you're reading that side.

MR. DEPUTY CHAIRMAN: Welcome.

MR. AURIAT: Thank you very much, and I certainly appreciate the opportunity that I have to express my views. I've heard a lot of views today, I must say.

The one thing – and I guess it's been solidified as I've been sitting listening this afternoon – the one major concern I have about the reform process is the process itself. I must say – and it's really been enforced over the last two hours – that I really have to question the actual process whereby we're attempting to bring about this reform. I've made a few comments, I've jotted them down, so I'll try and follow these things through.

The first thing that comes to my mind is that when you're attempting to solve a problem, you have to define the problem. I don't know if I really know what the problem is. I know that we're talking about some form of reform, but what is the objective of this reform? I gathered, or at least I had the single purpose in mind when I came here, that seemingly the major concern that we now have as Canadians is whether or not we're going to remain a united Canada. That was originally my major concern. Now I'm not so sure if that is my major concern, because it seems to have been disaggregated.

Let me go back to the original concern: do we want to be Canadians, and what is a Canadian? I have to ask myself: why do I care if I'm a Canadian, and why do I care if people from Vancouver to Sydney are also Canadians? Does that matter to me? I'll tell you, sometimes I really can't give you a very good answer; in fact, I can't now. I break it down into two basic ways of looking at it.

The first is that I ask the question: does it make economic sense to belong as an economic union? Does that make sense? Based on my background as an economist, I am sure there are those who would differ. I don't think it does. I don't really think it matters whether we belong as one group from coast to coast as a member of one economic union. I don't think the grain farmer in Saskatchewan really cares at all whether there's some form of economic union. We trade more of our grain with the rest of the world than we do with the rest of Canada. So you have to ask that question, and I don't think that we have the economic foundation for a unified country.

Then after that you say: well, what do I have to turn to then? Why do I want to be a Canadian? All I've got left are social factors: my background, the things that I share with other people, common concerns. Do we have those? My answer to that is yes, we do have those things. We have a lot of differences too, there's no doubt about that, but we do have a lot of things that are in common. Where do we get these things in common? I guess a lot of my ideas come from grade 6 social studies, because I'm fortunate enough to be part of my children's learning process. They're taking grade 6 social studies now, you see, so I read these things.

3:52

You look back, and the people that originally populated our country were of a common type; they were. They came from all different sorts of nations, but the one thing they had in common, which was somewhat different than the Americans, if I might note, is that they were trying to escape from some form of oppression. Typically, it was political; sometimes it was social. They came to a country called Canada because they were looking for some sort of a way out from the oppression that they were already suffering from. They came here, and obviously they had to have some form of difference. They had to be somewhat different from a lot of other settlers because they came to a country that had six months of an extremely harsh climate; it wasn't easy to live here. They had huge distances to cover, and they had a hard time making a living, but they stayed here.

Now, there's got to be some reason why they stayed. Those are the basic reasons that I look to to define to myself why it's important for me to be a Canadian. I do believe it's important to be a Canadian. In three weeks from now my family is fortunate enough to travel to Ottawa, and we're going to visit some people in Quebec and so on. I really hope that there are a lot of people there who believe the same things as I do, because it seems as if that's the fundamental issue that we're dealing with now. I know there are lots of other ones, like defence spending, education, and so on. But, really, whether we're going to stay together as a single, unified nation or whether we're going to become a member of separated economic agencies or whatever – however you would define that – it seems to me that's the fundamental question that we have to ask ourselves when we're talking about reform. Because if we're going to break the country apart into separate little pieces, then obviously a single form of central government makes no sense whatsoever, does it?

We can have constitutional reform until hell freezes over, but we're not going to be reforming the right groups. What we should then be looking at is strong provincial agencies and perhaps even municipal forms of government, because we're going to be breaking apart. If we do start the breakup process, it's almost certain that the breakup will occur and keep occurring. It's likely going to be a chain assembly, and we're going to look at much different forms of government; there's no doubt about it. If we do find that it is important to be a Canadian, how do we do that? Do we look to a strong central government? I assume so. Then all the other questions that we've asked today come into mind. What is this strong central government? What does it look like?

I guess, then, as sort of a way of summarizing things, it's such a difficult concept. I think Mr. Chivers pointed that out. You know, it is certainly a very complex thing we're dealing with. If we try and bring it back down to single issues, to single points, we're almost certainly going to fail, because it isn't a single issue that we're dealing with. It's a whole complex matter and the way in which these complex single issues interrelate. Because it's the interrelationships that are important, not the single things, isn't it? I think about it, and I say: well, what sort of solution can I propose? Obviously, I'm expecting that of others, right? I'm expecting some solution. So what can I – I don't think I can come up with a real . . . Like, I can't come up with a unique solution. My God, I'd be certainly nominated for some sort of Nobel prize, I'm sure.

I guess, then, to summarize the whole thing, I do believe there is some form of consensus amongst Canadians. We have a very divisive issue at hand between the languages of French and English. I agree that that does seem to be a real conundrum. It really seems to boil down to that. I can hardly believe it would be over two languages, but I don't think it's really the languages themselves. It also has to do with some sort of deeper social differences underneath. Perhaps then we have to have some sort of – we do have to reflect that. I guess we will have to find that out through a process similar to this, and then we're going to have to deal with those things.

All I can hope is that in any issue where you have an aggregate level that's built upon some form of base that uses little individual bits of information, we have some form of consistency. That's the concern, I guess, the major concern that I sort of developed as I listened today: that we build a macropolicy that has a strong foundation and a sense of consistency within the little bits of information that are fed into it. Unfortunately, that is going to be the complex task of a group such as this. I can appreciate that. My background is in economics, I guess, if you have a background. Certainly in that field you deal constantly with that issue: are macropolicies consistent with micropolicies? Supposedly, they were built together. Unfortunately, they don't seem to be consistent in many cases.

I think that's essentially where we're at. We've got a whole bunch of little problems, and we have some real big problems. I hope that we look to the real big problems first and then build a policy that, hopefully, can incorporate some form of solution or at least a process whereby you can reach consensus on some of the other ones.

That's it.

MR. DEPUTY CHAIRMAN: Thank you. The Chair would invite you to take that booklet, if you haven't already . . .

MR. AURIAT: I've read the booklet.

MR. DEPUTY CHAIRMAN: After you've had the benefit of this trip this summer, if you have any additional supplemental information you'd like to provide, I'm seriously making the suggestion that you use the booklet to contact the committee with whatever you may have found as a result of that experience, because it could be revealing.

MR. AURIAT: I hope it is.

MR. DEPUTY CHAIRMAN: We do too. Before you go though, Barrie would like to ask some questions, and we have other members. Thank you.

MR. CHIVERS: Thank you, Mr. Chairman. I think you've identified – and I think I share this with other members of the committee. You stated at the outset that when you came here, you came thinking, "Well, it's just a matter of defining the problem: what's the objective of reform?" So it was the product that was important, but after listening to the discussion today, you've become concerned about the process. I bounced back and forth on that too. I think the reality of it is that the process and the product are inextricably intertwined, and the process we choose is to a certain extent going to influence the product that we obtain. That's why this idea of a constituent assembly – who gets to choose, who's going to nominate? – is so crucial, and we can't separate it. I think we've got to come to grips with that, that the two processes are going to have to be interlinked and we're going to have to go along the process step by step.

I'm just wondering: do you have some ideas in terms of process? Let's focus on that. What kind of a process do you see?

MR. AURIAT: Well, I would hope to think that the process itself would not be caught up with identifying necessarily subprocesses, sort of the microfoundations. I would be more concerned that they would identify the goals, like what is it that we have to do? What do we have to do? What do we want to do, and then can we do it? The "can we do it" part has to be something that you work out later. It's impossible. I can't see how it can be possible to solve all problems with the Spicer commission and a whole bunch of other commissions. They can't do that. They're there essentially to gather information. You can't gather – you're not gathering many solutions today. What we're gathering is a lot of information, and I think that information would have to be utilized to sort of define the problem.

MR. CHIVERS: So what does it mean to you to be a Canadian?

MR. AURIAT: Well, I'll tell you – really uniquely, I guess, in a sense – what it means to me to be a Canadian. Two of my uncles died in the Second World War, so I guess that brings back some sort of feeling of loyalty with the family. Obviously, either they died for an incredibly silly reason or they died for some reason that made sense. Were we protecting ourselves or some beliefs that we held dear? I would hope that there is something there, that I could share that with others. Certainly others have sacrificed for myself, my family.

In Canada we enjoy a life-style that is second to none. We're the most fortunate people in the whole world. We have freedom that abounds. We can come to meetings like this and say what we feel, and we don't have to worry about being censored. We don't have to worry – economic hardship is practically nonexistent. I know that I would be criticized for that by some, but, really, there are a bountiful number of opportunities to advance yourself. There are problems, of course, but to be a Canadian . . . It's difficult.

MR. CHIVERS: Well, I want to join with the chairman in urging you, after you've had your trip, if you have some more thoughts, to send them in to us, because I think it'll be interesting to see what influence that has on you. I don't want to monopolize. I know there are other members of the committee that want to ask you some questions, so thank you.

MR. DEPUTY CHAIRMAN: Yes, we've a long list, Barrie.

Nancy.

MS BETKOWSKI: Thank you. Mr. Auriat, I hope you won't find this question unfair to you, but I note your name is Aime Auriat. You obviously have a French Canadian background. Am I fair in saying that?

4:02

MR. AURIAT: Yeah. I guess in a sense that's true.

MS BETKOWSKI: Simone Topott said, I think very perceptively, frankly, that we are dealing as Canadians with the problem of unity that bilingualism was supposed to solve. One of the comments we've heard is that official bilingualism is not maybe serving the needs that it should. I guess my question to you is one with respect to official bilingualism. How do you feel about official bilingualism? Further, you've spoken about your friends in Quebec. How do you think they feel about official bilingualism?

MR. AURIAT: Bilingualism and speaking French are two different things, aren't they.

MS BETKOWSKI: That's right.

MR. AURIAT: I think the whole issue of bilingualism has come about because of a deeper sense of difference that Quebec feels, perhaps vis-à-vis, if you'd use the trite term, "anglophone Canada." I think a lot of that is based on a difference in terms of sharing economic well-being from the 1800s, even the 1700s.

I think some of that sort of discontent is reasonable. I can understand why they're concerned. Unfortunately, it seems as though the avenue they have found and that they use to express that is one of language and so on. I don't really think the issue is language. I don't think it's language at all. If you want my personal opinion, I don't feel strongly at all about bilingualism. I'd just as soon not crowd the cornflakes boxes. It's difficult enough to read the one thing; you know? Four-sided containers are soon going to be a thing of the past. You're going to have to have six soon.

MS BETKOWSKI: I guess one of our frustrations and certainly one of mine as a Canadian, and we've had this expressed to the committee, is: are we really hearing from the Quebecker or from the Albertan or from the person from Saskatchewan or from the Canadian as opposed to hearing a view expressed probably through their political processes? So the second question I have is with respect to enhancing that process, giving to Canadians not a better feel, Ms Kan, but a better role in the process. Do you have any suggestions along those lines for the committee?

MR. AURIAT: Yeah, I'm wondering about that myself. Really, when listening to all the thoughts on political reform, I think that there could be some positive changes in the political process, but I'm not really totally upset with the political process that's in place. I don't think it's being utilized very well, though, and a lot of it has to do with the education of members of society in general to access that and make their views known. I know Craig and I have talked about that a lot, and I've probably talked to some other people about that. You almost wonder why 1990 is such a unique time. Why are we having so many problems now? Why didn't we have these problems in 1965? We had different problems then, I guess.

I think people are now at the threshold of involvement. They're sensing frustration, and they don't quite know how to find an access. They know that they're unhappy and that somebody should be doing something about it, but what they don't recognize is that it's themselves. Who is it that said: we saw the enemy, and they is us? That kind of thing.

MR. DEPUTY CHAIRMAN: It was Alfred E. Neuman, a well-known . . . [interjections]

MR. McINNIS: Pogo. No points on that one.

MS BETKOWSKI: Thank you very much.

MR. DEPUTY CHAIRMAN: Next is Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I think you've touched on one of the uncomfortable feelings that all of us have had, and that is: what is the question; what is the focus that we're looking for? I've been involved in past constitutional discussions in the development of Senate reform proposals. In those, we had focused areas where we were talking about specific changes. Today we're talking about the nation in total. I guess in that macrosense that finding the questions is going to be the key, and I don't know that we've found them. As soon as you do, if you don't get the Pulitzer prize, we'd find one for you somewhere.

You said: why in the 1990s versus '65? I'm wondering if you feel that this change might be just as a result of the rapid change that the world is going through, the change that people are going through, and therefore a relook at our whole system. Did we build a model T Ford in 1867 that now is still trying to travel down a highway which requires a much better vehicle, a much more efficient one, and one that's built for 10 provinces and a national government rather than four and a national government, as it was in 1867? Have you any further thoughts on that question?

A question we should be asking besides is: do we want a Canada? With only a very few exceptions I think everybody who's appeared before us say that they do. Some say, "Not at any cost," or "We want it in this way," but they want a strong Canada. You mentioned a strong foundation and consistency, and I think there's general agreement on that, but how or what kind of nation is another one. Do we want a nation where people in each part of it can utilize the special cultural, economic, and other aspects of those parts of the country to obtain maximum potential and contribute all of that in some way nationally, or do we want a centrally controlled nation evolving? My question is not very clear and not very precise, and it's because you've touched on the problem: we don't have a clear, precise question and therefore don't even know what we're seeking answers to. Is it yes or no, and to what? Any thoughts on those macroquestions, though: type of nation, style of direction, form of government?

MR. AURIAT: I think I understand what you're saying. Firstly, I don't know if I share this view with others, but I hope I do, and that's that I have a wary eye towards radical reform. You know, I don't like to change anything that fast. I don't think we're that far away from where we really want to be. I really don't. I don't think we're, like, miles away; I think we're close. We just don't quite know how to get this thing working just right. So rather than talking about massive change, I think I would start with some form of moderate change.

You know, the issue in Quebec tends to dominate a lot, and I don't think we've come to grips with it. Mr. Trudeau started the whole thing off in a rather dogmatic manner, and we haven't been able to unwind that thing yet. We haven't been able to bring it down to a level that we can even talk about it. As soon as we start talking about this issue, we start to get feelings in our hearts instead of in our heads. So in terms of solutions I would think that maybe what we do is to try to start thinking with our heads.

I guess that comes back to the long-term solution to any problem, and that's education. Education, I guess, is also part of the problem right here, because as people have become more aware, they now are at the stage where they're unsatisfied with the past. So I guess my question, too, would be the same as yours. I would say that I'd like to see a Canada exist. I would like to be part of a Canada, but I would like to then also know that it's going to be a special kind of Canada, not one that's just loosely defined. I think it requires some fine-tuning. For example, I think areas are different, so differences are going to have to continue to exist. You can't have a homogeneous country when we've got grain farmers in Saskatchewan as compared to shoe manufacturers in Quebec. There's not much homogeneity there, so I think we have to live with that. I don't think it's impossible, and like I say that I don't think we're that far away from it. I just think that we have to be a little bit calmer about it.

4:12

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. Aime, I was interested in your comments on the economic front, particularly given your background in that area, especially the comment about the contradiction between the macro and the micro level, the type of problems we have. Just so I'm clear: are you talking about – I'll give you an example. The federal government has a position where they are cutting back on available dollars to provinces for health care, postsecondary education, and social assistance. In the province of Ontario they've been hard hit by a recession, and the provincial government feels strongly that they want to look after people who are hurt and to have training funds. The combination of the two has led to a difficult financial situation for the province of Ontario. Now you have the federal government pointing fingers at Ontario and making all kinds of accusations. Is that the type of thing you're talking about in terms of the contradiction between the macro and the micro?

MR. AURIAT: No, I don't think that's quite what I was talking about, although that's certainly a matter of conflict. I guess the differences between the particular views of a province and the overall views of a central government would reflect that type of problem. Of course, Ontario has different interests at this current time than the federal government would have. Perhaps their decision is correct whereas that of the federal government could also be correct. Isn't that a strange one?

Probably the best example you could have in terms of economics is in the interest of an individual in earning profit. Certainly in a perfectly competitive market the efforts of the individual to earn profit is what thwarts the overall efforts of all other individuals in his group from earning profit. So that's the inconsistency at an aggregate level, whereas it is consistent for the individual. You can see signs of that, I guess, with the provincial government in Ontario running a deficit whereas the rest of us are espousing the need at least – or if not necessarily doing it, at least we're talking about it being important to do. Right? You know, there's a difference between those two, of course.

MR. McINNIS: It's easier to talk about than to do sometimes.

MR. AURIAT: Yeah, I don't know. I read papers with interest, and I have to realize that those are very complex problems.

MR. McINNIS: If I missed the point: the conflict you talked about was between individuals versus the overall economy. That was the point.

MR. AURIAT: That's an example. That's just an example.

MR. McINNIS: Okay, thank you.

MR. AURIAT: Not a very meaningful one, if I might add.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. You've brought some really enlightening kinds of views in terms of our discussions today and hit on a lot of different topics. I just wanted to hear your views in terms of where you think the aboriginal people would kind of . . . Actually, I should reword that. What kinds of dealings should we have in terms of the aboriginal people? What would be your view on that regarding the Constitution?

MR. AURIAT: The unfortunate part of that, of course, is that I don't have much of a background in those areas. I guess it's just simply the opinion of one Canadian that, you know, natives and aboriginal groups certainly do have justifiable concerns. I don't think we've always treated them fairly in the past. By "we" I have to be careful. Who is "we"? "We" is the group of . . .

MS CALAHASEN: "We" is the government.

MR. AURIAT: Yeah. I think they do have particular concerns. Again, you know, that's part of the thing that we and even Quebec are going to have realize: if you belong to a whole, sometimes you have to subjugate some of your particular interests in order that those of others may prevail as well. In fact, that's an order of consistency in any aggregation. There are going to have to be some things that you have to do second best with. Now, I'm not saying that we do that with aboriginal rights. I think there are a lot of people in those groups that would certainly be open minded and realize that in order to have some things, they have to give up some other things. I think maybe that's the main, central issue of frustration that both groups would probably feel. Maybe one group would say that we should, for example, stop the construction on the Oldman dam, and the others feel that they shouldn't. I don't know. Those are pretty tough things to deal with, aren't they?

MS CALAHASEN: Yeah, they are actually. I just wondered about rights in terms of the aboriginal people and their position in saying that they should have their rights entrenched as well as dealing with being involved in any kind of constitutional talks.

MR. AURIAT: I don't know what entrenchment in the Constitution would actually do about that. I guess their rights should be honoured. As to whether or not entrenchment in the Constitution is going to do anything about that, I'm not so sure that would happen either. I don't know how important entrenchment in the Constitution is. I guess people who are more versed in constitutional affairs would probably know that.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: We heard evidence from a person yesterday who said that there can be the most highfalutin written Constitution available, and it means absolutely zero. Some of those countries that had those are now seemingly falling apart.

Mr. Chumir.

MR. CHUMIR: Thank you, Aime. I appreciate your presentation. I hope I'm getting the structure correct. You started off in terms of fundamentals by suggesting that we have to ask whether it's important to be Canadian, and I understood you to say personally, for yourself, that yes, it is. Then I understood you to say that if so, then we look for – at least your own personal view is: if we do feel it's important to be Canadian, then we look to or for a strong central government. That is correct, is it?

MR. AURIAT: Yeah. I see no other way out. That's right. There certainly has to be something that has to exist.

MR. CHUMIR: Okay. Could I then ask you about your views with respect to a federal role in establishing and setting minimum standards with respect to our medicare and social service systems and the funding of those systems in the realm of having a strong central government, keeping in mind that there are some groups in the country that have suggested that all jurisdiction in those areas should be at the provincial level; it should be just the provinces that set those things. I would appreciate your views.

MR. AURIAT: Well, I think that would be fairly apparent. I can't see how that would be the case. If we want to belong to a group, we have to give the group some authority. I think it's odd that we talk about medicare. We've all talked about medicare today. Obviously, that must be something that's Canadian, isn't it? And it is, so obviously medicare reflects something more than simply a medical system. Maybe it infers that we care about people who don't have the ability to access medical treatment if they don't have the money. Obviously it does. I really firmly believe that being Canadian means something different than being some other peoples. It's not important to mention other societies. Obviously, we care about that. We've got the finest medical treatment facilities in the world, really. Unfortunately, it's taken advantage of somewhat, but I guess that comes with an openness, doesn't it? When you have a system that is going to take care of people who need care, there are going to be those who don't need care that are going to be taken care of too.

MR. CHUMIR: In a nutshell you're saying that you do want the federal government to have its continuing role in the medicare system?

MR. AURIAT: Sure. They have to have strength there. Yeah.

MR. CHUMIR: Okay. There is a whole range of other social programs where there are certain minimum standards established by the federal government from one end of the country to the other. Even though most of these programs are actually administered, in fact, by the provinces, the standards are established through the funding mechanism. Is that another area that you, in your own personal value system, feel is important to the strong central government?

MR. AURIAT: I just recently heard the opinion expressed, and I think it's a general opinion rather than a specific one, that if you are going to be given the responsibility of administering a program, then you ought to have some say in terms of setting its parameters. So obviously I can't agree that the federal government should have the right to set the standards and not have the responsibility to meet those standards. I think that's obviously one of those tough ones, where you have to deal with it on a consistent basis. Right? What's consistent there? I think there should be consistency amongst the standards, but then that infers that there has to be some consistency in terms of providing for the methods and the means. I guess it means then that the federal government should be responsible for remitting the funds. I mean, how else can you do it? You can't be setting the laws or giving people jobs and saying, "You're responsible for doing that, but you can't command the respect of the other people that are working there."

4:22

MR. CHUMIR: Do you envisage any role for the federal government in education?

MR. AURIAT: Well, I think they do have a role in terms of the universities and so on, don't they? I think they have a direct roll there, as I understand it.

MR. CHUMIR: They provide funding, but they're not usually tied to any criteria. It's a block grant without any conditions. So the question that people are wrestling with – in fact Mr. Mulroney has just suggested a federal role in education, which has traditionally been within exclusive provincial jurisdiction. We're trying to figure out if there's any role at all for this. Should the feds be involved to some extent at least?

MR. AURIAT: You'd have to look at the economics of the development of the educational systems from a lot further back than just what I know about them to really come up with a well-informed answer on that. You know, standards have to be set. That's true. And they should be consistent across the nation. I was just reading in the paper yesterday that now Ontario doesn't want to take part in the standardization testing for grade 7 students or grade 11 or grade 12 students?

MR. DEPUTY CHAIRMAN: Grade 12. High school leaving.

MR. AURIAT: Yeah. They weren't even inferring that it was going to be a pass or fail kind of thing; it wasn't that. It was just to see if their performance was consistent with that exhibited by the other provinces, and they didn't want to do that. I guess the federal government should probably provide a form of consistency there. In terms of the funding, obviously funding for the public school system is now at the provincial level. It seems to work well.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Aime, just pursuing again vis-à-vis federal/provincial jurisdiction, should there be any checks on federal jurisdiction? Let me just toss out a couple of examples. The national energy program: we're all only too painfully aware of what it did to our economy. Some would suggest it probably robbed us forever of the chance of being energy self-sufficient. It was a program of the federal government which, in a particular province, namely Alberta, had overwhelming opposition, yet we had no say in it. The federal government talks about universal day care. In the province of Alberta we feel that day care should be available and some people even helped in financing the cost of that, but a couple of professionals making a hundred thousand dollars apiece probably shouldn't have subsidies in terms of day care. So there's something again where the province disagrees with the federal government quite strongly. Official bilingualism: there seems to be a lot of concern about how that's enacted here in Alberta. Should the federal government have just a free-for-all rein? What kind of checks can you suggest to us in terms of that type of thing?

MR. AURIAT: Gee, that's a good one. See? I learned a lot today.

MR. DAY: We're learning a lot too.

MR. McINNIS: Well, be careful now.

MR. AURIAT: That's biased, right?

There's no doubt about that, of course, and I inferred that by my statement that Canada has to be a special form of Canada. I don't want a Canada at all costs, as Dennis pointed out. That's not of interest to me, obviously. I'm not willing to give that up. I totally agree with you that provinces have to – as the lady who spoke prior to me mentioned, as you get closer and closer to those that are actually making the basic decision by voting, you would hope that you're getting a better sort of inferential sampling. I guess that would be the only way of looking at it. Hopefully your actions would be more reflecting their desires. In Alberta we tend to perhaps have a different way of looking at things than some others might. I agree with you that people who are jointly making $200,000 a year really don't require access to subsidized day care, although day care itself may be very important. The question is: should provincial governments have certain rights and ways of accessing those rights? Absolutely. I totally agree with you.

MR. DAY: Just to help you understand the process we're going about right now – and we're trying to understand it too. We're all familiar with what Churchill said about democracy: you know, there's all kinds of negative stuff, but it just happens to be better than any other form of government that has been tried. This is not a perfect process, and the result isn't going to be perfect. We're hoping that we can all come to grips with that imperfection. But in terms of the process here – taking our committees around, hearing from people, sending thousands of these brochures around with a little green leaf on the front and getting hundreds of written replies back, phone calls by the thousands, and many of us are sending out questionnaires to our constituents – would the process be helped, as has already been suggested here today and in other places, by also looking at a constituent assembly, layering that on top of what we're doing already? From what you know or maybe have heard, would that be a help or a hindrance? Have you got any feelings on that?

MR. AURIAT: Actually, today was the first time I ever heard of a constituent assembly. I've heard of Athenian democracy and all sorts of other things, but I never heard of that one. I don't know, really. I guess from what I gathered today that no, I don't think it would be a good idea. I like the idea of electing people. I like that. I think that's an important thing.

Craig mentioned earlier in his presentation that there have to be perhaps some changes. When you vote for people in a constituency – let's say that across the province 60 percent of the people vote for one particular party and 30 percent vote for the other, and the final number of allocated seats doesn't reflect that at all. That certainly concerns me. That doesn't seem to be very representative. Then also is the right of the party itself to control the direction of those that are involved in the decision-making. I don't agree with that either. I don't agree with it at all. I very strongly disagree with it. You know, there's no way that the Premier or Prime Minister should have any more sway in terms of whether a vote should be passed or not than any of the individual, elected MPs or MLAs. That's why we send them there.

MR. DAY: Good. Thanks, Aime.

MR. DEPUTY CHAIRMAN: As far as the committee is aware, we have exhausted our supply of presenters, as well as maybe the committee. On behalf of the committee, I would like to express our appreciation and thanks to everyone who has appeared before us today to help in the process of what we're all trying to accomplish, and that is a better situation for all of us in Canada. Thank you very much.

[The committee adjourned at 4:31 p.m.]

7:03 p.m. Wednesday, May 29, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: It is now past 7 p.m., and the Select Special Committee on Constitutional Reform will now please come to order.

We are fortunate this evening to have with us students from Harry Collinge high school. The Chair understands that there will be two groups of three presenting, and we will depart from our normal practice of having 15-minute segments. The committee does feel that it would like to wind up its proceedings by 8:30 at the latest, and we hope that will allow everybody sufficient time to make their presentations.

The committee would invite the first group of three to come to the table; that is, Tanya Puderbach, Shawn Rooks, and Cindy Petrone. On behalf of the committee I'd like to say welcome to all of you.

Before we proceed, I will introduce the members of this committee to you. Starting on my far left is our newest Member of the Legislative Assembly of the province of Alberta, Mr. Barrie Chivers, who is the MLA for Edmonton-Strathcona. Seated next to him is Pearl Calahasen, the MLA for Lesser Slave Lake, and our administrator, John McDonough. Next to me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. I am Stan Schumacher, and I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, MLA for Edmonton-Glenora; on her right, Stockwell Day, who represents Red Deer-North in the Assembly. Next to him is Sheldon Chumir, the MLA for Calgary-Buffalo, and finally John McInnis, the MLA for Edmonton-Jasper Place.

Again, welcome, and we want to express our appreciation for your interest in this process and your interest in the future of the country by taking the time and effort to prepare a presentation for our committee. So with that we will invite you to make your presentation in any manner you see fit.

Thank you.

MR. ROOKS: This brief will contain an outline of the proposed government. You must recognize that the outline is an example that reflects our views as citizens of Canada. The outline is not final and has lots of room for improvement. At the end of the report several questions will be answered concerning other views dealing with national unity.

The proposed government will contain three levels: one, president and vice-president; two, federal council; three, provincial council and representative. The president and vice-president would have no special powers other than to preside over the federal council. The federal council will be made up of a leader from each province. Their most important duty is to solve problems between provinces and come to a reasonable decision that satisfies the majority of the people. These problems may deal with industry, environment, transportation, and technological affairs. The federal council, which consists of the leaders of the provinces, is appointed on an annual basis. In this manner the people will have a stronger say in the government. Each provincial council has a responsibility to provide money for defence and to provide the federal council with funds to carry out the national interest. Their representative is chairman of the council and is leader of that province. The federal council is elected on an annual basis to ensure that the people's wishes are carried out.

This is a radical change from our current form of government. However, the most important thing in this government will be the elimination of the party system. The party system does not work. The leader of the party does not represent the people; instead, he or she represents the party. Our current system started out with good intentions, but it ended up with the elected party to control our government and not to represent the people's view.

The voting system would change also. Instead of making one choice, you would number the candidates from favourite to least favourite, as shown in the example on page 3. With our current system 35 percent of the people may want Yeltsin and his Communist party to win, while 65 percent of the people don't want the Communist party to win. So dividing their votes between Mulroney, Clark, and MacKenzie – MacKenzie gets 21 percent, Mulroney gets 22 percent, and Clark gets 21 percent – therefore, Yeltsin's Communist party wins even though they did not have the majority of the people on their side.

MISS PUDERBACH: We understand that every country has different needs and they're all unique, but we still feel that no province should get special treatment. I mean, everyone who's living in that province feels that they should get the same treatment everyone else is getting, and that's true. Everyone should get the same treatment because that's what Canada is pretty all well about: fairness and the same treatment and equality among everyone else.

We feel that the provinces all together would do really good operating just with trade and defence, because sometimes when you go somewhere – I find even myself, I'll say that I'm Albertan and not Canadian. I forget that I'm Canadian, and people will know where I'm from. I think that we would still operate pretty good if we just operated, like, had our own provinces and we are all in charge of whatever and just communicated with all the other provinces for trade and defence.

We also feel that the way to represent what we want and what the people want is to have the triple E Senate, where it's elected: to have people elected and push the power as much as we possibly can down to the people, so that it's not just the government, the parties in there, and they get to do what they feel the party wants. There'll be a vote if there's something that the parties can't decide on, and then the people would get to decide on what they want.

Also, what it means to be a Canadian. To me it means freedom of speech and to be free and to, like, look around and not say, "Oh, gosh; I can't say this or I can't say that because what if someone hears me and they go and tell the police or something like that," and then, boom, I'm in jail, you know. I just feel that that's what to be Canadian is. But also I find myself saying lately that Canada is a little mixed up. Like, what's going on? What's going to happen? How's the world going to turn out? How is Canada going to turn out? What's going to happen to us? Are we going to have to, like, suffer in the end? I don't really want to suffer in the end. I mean, when I get older I want to make sure that I'm going to be taken care of. I don't want to feel that I have to go out there and work when I'm, like, 70 years old, you know, because there's no old-age pension or something like that.

MISS PETRONE: Okay. We find the Charter to be a good thing to have, but the problem we have is in section 33. It basically says that the government can override what the people want. But the government should work with us, not against us; they should transfer the power to the people as much as they can. The provinces must have a say in taxes, inflation, and interest rates. Canada must have a federal tax, with each province with its own tax for each need they have. Interest rates should be about 6 percent, and inflation should never be higher than 4 percent. The federal tax must be 5 percent and no hidden tax, and the provincial tax must be 10 percent.

The federal powers are responsible for justice and security, national defence, interior, finance, economic affairs, transport, energy, and foreign affairs. With the 5 percent tax the Canadian government gets from every province, it could pay for these responsibilities that the federal government has. That way the provinces know what is required and can fulfill the responsibility for these needs, and the federal government has less to worry about and fewer needs to care for. This will have the government working for the people, not for itself.

MR. DEPUTY CHAIRMAN: That concludes the presentation?

MISS PETRONE: Yeah.

MR. DEPUTY CHAIRMAN: Thank you very much. Could I just exercise the chairman's prerogative and ask a question first regarding the tax? Is the 5 percent federal and 10 percent provincial on income, or is that a goods and services type tax?

7:13

MISS PUDERBACH: I believe that's a goods and services type.

MR. DEPUTY CHAIRMAN: That's like a sales tax on practically everything that is sold, not an income tax.

MISS PUDERBACH: Yes. Actually, one other point I'd like to say is: Alberta and B.C. – like Alberta pays the highest hidden tax. We pay the most tax, even though it doesn't seem like we do. We have lots of hidden tax. That hidden tax shouldn't be in there, because that's how come we're feeling we're being cheated. It's true in a way, because we're paying so much for tax and we're supporting so many other people. We shouldn't have that hidden tax in there. We should just have the tax like everyone else.

MR. DEPUTY CHAIRMAN: Could you give me an example of what you see as a hidden tax?

MISS PUDERBACH: Okay. We have this chart in our books, and it said that Alberta was the highest for paying taxes and that lots of these taxes were hidden taxes that we didn't even know, like on food and that. You go to B.C. and other places, food prices are going to be a lot down, clothes prices will be a lot down, even with the tax. You come here to Alberta: you have the price plus you then have the tax, and it's way above what they pay in B.C. and other provinces. I don't feel it should be in there.

MS CALAHASEN: Is it contribution of transfer payments that she's talking about, Mr. Chairman, in terms of what we're looking at here?

MR. DEPUTY CHAIRMAN: Yeah.

MS CALAHASEN: And it's quite a different picture in terms of . . .

I think she's saying that the federal transfer payments that are being paid to the provinces versus what we're paying out or are being taken out of us are not the same as other provinces, and B.C. and we are the only ones.

MR. ANDERSON: It's not that we're paying more taxes overall; it's that more of our taxes are going out of province than money coming into the province.

MS CALAHASEN: That's what you're saying, right?

MISS PUDERBACH: Yeah, that too. I also know that there is, like, something in tax. Everyone knows that. There is some hidden tax.

MR. DEPUTY CHAIRMAN: Well, I don't know about these hidden taxes. I guess I should know if they are there. I don't. I honestly don't know about these hidden taxes you're referring to.

MS CALAHASEN: Give us some examples, maybe.

MISS PUDERBACH: Well, like I was saying, with clothes, okay? I went to B.C. and bought a jean jacket, and it cost me $90 with the tax. I came here, and it was about $120 with tax. That was when the GST was in, and that was quite a bit more. It was the same jacket, the same store, and I was just – like, whoa.

MR. DEPUTY CHAIRMAN: Well, I would suggest that the difference is not in tax; it's in the retail markup. I would suggest that it's the merchant who is making more money in Alberta on that product than the merchant is making in B.C. I really would.

Anyway, I think you've put a lot of thought into this presentation, and the first questioner will be Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Yes, I'd like to congratulate you on the presentation and to say that if there's anything Canada needs right now, it's new ideas and dramatic new ideas. You certainly have those in this proposal.

With respect to the tax again, is the tax seen that these are all of the taxes? Would there also be personal income taxes, or would this be the total that you see?

MISS PETRONE: I believe this is it.

MR. ANDERSON: You believe this is it?

MISS PETRONE: Yeah.

MR. ANDERSON: Okay. Cindy, what happens, then, if the needs – schooling, for example, and the roads and the hospitals in Alberta – outstretch that, and we can't pay for them with that 10 percent? Do we go into debt, or do we have fewer schools? Any thoughts on that?

MISS PETRONE: No. I'm pretty well stuck on that one.

MR. ANDERSON: That's okay. We're trying to explore them with you just in case you have some thoughts on that. That's one of the problems we have with setting tax levels, but I think we'd all love to have that tax level only.

MR. DEPUTY CHAIRMAN: I think the important thing is that you feel that whatever the tax is, it should be double to support the services that you feel should be provided at the provincial level as to what is going to be provided at the federal level, because you say 5 percent for federal and 10 percent for a province. Is that right?

MISS PETRONE: Yeah. That's right.

MR. DEPUTY CHAIRMAN: Okay. That gives an order of magnitude anyway.
John.

MR. McINNIS: This committee is trying to determine what position Alberta should take in terms of the future of the Constitution of our country. I appreciate the suggestions that you've made about the proposed government structure. They're certainly some ideas to kick around. I wonder: have you discussed this together? Are you sort of all of the same mind, or did you write this in bits and pieces; each of you wrote a different part of it?

MISS PUDERBACH: We're actually of the same mind.

MR. McINNIS: Are you? Well, let me ask you, whoever wants to answer: do you feel that there will be a Canada in the future, and do you think that . . . Well, let's start with that.

MISS PUDERBACH: Oh, yeah, there will be a Canada. It just has to change. Right now it's like we're stuck. We don't know which way we're going. We're not going backwards. We're not going forwards. We're just stuck. We're staying still; we're in neutral. In a way, it just has to change.

MR. McINNIS: Sheldon and I were sort of puzzling through this one answer to the question where you write:

> If you meet a Canadian in the U.S. and ask him or her what their nationality is, they would say Albertan instead of Canadian. They already believe that their province is independent from Canada, and is only linked by trade and government.

Why do you say that?

MR. ROOKS: Well, the reason that happens – I've gone to the States and I've met other Canadians down there, and I've asked them that. It's just like people subconsciously don't really think about Canada as a whole. They think about Alberta. Federalism is just a word or something like that that they give money to every year, so most of them just don't really think of it as a federal government. They think of it as just a word. They don't really recognize our entire country.

MR. McINNIS: Isn't that really because you already established that you're both Canadian? You already know that. It's a question of . . .

MR. ROOKS: Well, then when I was asked questions about that down in the States, I didn't ever tell anybody I was really Canadian. My aunt and uncle knew, but that was about it.

MR. McINNIS: Okay.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. There's some great ideas in here. Obviously you put a lot of thought into it, and we appreciate that.

On the federal council consisting of ". . . leaders of the provinces, is appointed," you've got here "on a two annual basis." Does that mean every two years?

MR. ROOKS: That's a typo error. It's annual, every year.

MR. DAY: It's annual. Would the election process be annual?

MR. ROOKS: Well, it would be in a way. Okay; the election process would be every two years, but then the leader . . . For example, just say you guys were the provincial council or the federal council. You would pick yearly the person who would lead you. So say, for example, Nancy Betkowski was in charge and then just say she wasn't doing a very good job – like, she was doing okay, but there were problems between the provinces – you'd just say they put you in charge or something for the second year.

MR. DAY: That'd be good.

I appreciate your concern, too, because we hear it a lot in terms of having the power closer to the people. You've also designated here which power should be federal and which should be provincial. You're also asking to combine a triple E Senate in with this, I understand.

MR. ROOKS: Uh huh.

MR. DAY: I'm just curious, when you're thinking of Alberta – and you obviously feel strongly about your province, which is appreciated – that under federal jurisdiction one of the ones you have there is energy. I'm wondering why, in light of the fact that one of the biggest ongoing problems we have with the federal government is what they from time to time would like to do with our energy policy. As you know, the national energy program in the early '80s devastated the economy of this province and the energy industry. Do you have some special feelings why you think the federal government should have control over that?

MR. ROOKS: Well, because there'd be a lot of controversy between the provinces over energy. Just say that you build a dam for hydroelectricity. Well, that river might run through another province, and now they don't get that river or something. So they'd be pretty upset, because it affects something with them. That way it could be easily handled out. For example, the federal council could talk about that, because you have the leader from each province and they can sit there and have negotiations about it.

MR. DAY: Oh, right. I see. I missed that step. So you talk about a representative from each province negotiating among the provinces.

MR. ROOKS: Yes.

MR. DAY: Okay. I see what you're getting at.

Thanks. I really appreciate the work you've spent on this.

7:23

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr Chairman. It's really nice to see students come and present some of their views to us. I, like my colleagues, would like to congratulate you for ensuring that you did come and present your views and for the amount of work and the thought you've put into your presentation.

I want to ask a question just for clarification. On the question "Should all provinces have the same constitutional responsibilities?" you say, "No, each province is unique." Yet there was the comment you made, Tanya, that no province should get special treatment but should be treated equally. I'm not exactly sure what you mean by that, whether or not it means equally in the sense of equal representation, the equal kind of powers they should have, or should there be more power given to them or should there be more power given to the central government? What do you mean by that particular statement?

MISS PUDERBACH: Okay. There should be more power given to the provinces, and the provinces should be equal in every way. Like, Quebec wants their language and that. Okay; that's fine. But in a way it's not, because we're a country. We should all have the same rights; we should have the same responsibilities to take care of. No province should have one responsibility to take care of and the other ones: "Well, we'll see about you later"; you know, it doesn't matter and they don't get it.

MS CALAHASEN: So in terms of the negotiation, basically all provinces should be able to negotiate what they want or need, or all provinces should have what they feel they should have rather than equal distribution of everything throughout?

MISS PUDERBACH: Well, there should be equal distribution throughout. I don't feel there should be more power pushed up to the federal government. I think there should be more pushed down to the provincial government. The provincial government should get some more to decide on, but every province should get the same responsibilities to decide on.

MS CALAHASEN: Okay; that's good.

The other question I want to follow up on is: what are your views or the views of the class in terms of the aboriginal rights issue?

MISS PUDERBACH: The aboriginal rights issue? Well, something like 500 or 700 settlements are unclaimed. We feel they should be settled, because the aboriginal people were here and we can't just keep moving them around and saying: "Well, we'll deal with you later. You've got to move right now, because we want to take a train through here or this or that." We have to deal with them now because the problem's getting bigger and bigger and we can't let it go on any longer. We have to take responsibility for what we've started and finish it.

MS CALAHASEN: So basically you're saying that any settlement that should be done should be completed. How about the aboriginal rights to be entrenched in the Constitution?

MISS PUDERBACH: Yeah, I think they should have some rights.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Next is Barrie.

MR. CHIVERS: Thank you, Mr. Chairman.

Thank you for coming out this evening. I see under your model of government that you've assigned jurisdiction over language to the provincial council rather than the federal council. Let's assume that your federal council is delivering some services in the jurisdiction of the province. External Affairs, let's say, has a defence outpost someplace, a Canadian Forces base. Would they be entitled to determine the language that base would operate on, or would they be governed by the provincial jurisdiction's rules?

MR. ROOKS: Well, I believe what they should do when something like that happens is try to get people who speak the language in that province and station them there. If they can't do that, the province wouldn't have a say with the base. They could just go: okay, if you come into town or something like that, it doesn't matter what language you speak but the official language here is a certain language. Like, say I went to Mexico and was speaking English or I went to France and spoke a little bit of English, it doesn't really matter, but the official language in France, for example, is French.

MR. CHIVERS: What would happen, let's say, if they went to an area where there's a majority French population in Alberta, in the Falher district or some place like that where there's a large population of French people, and located the base there?

MR. ROOKS: Well, it wouldn't really matter. They're not really into this. They're not part of the province. They're part of the main government, the federal government, and they're just sort of renting provincial land.

MR. CHIVERS: Okay. Just on your hidden taxes, I was wondering, Tanya, if maybe you were thinking of something like health care premiums on medicare, where some provinces don't charge health care premiums and they're paid out of their regular taxes. I mean, I don't want to quibble with my colleagues at the table here, but where it's paid out of the general taxation revenue in some provinces and paid from a special form of taxation, for comparative purposes, people often measure the true level of taxation by including factors such as health care premiums.

MS BETKOWSKI: Some would argue that there are more hidden in other provinces than here.

MR. CHUMIR: I take it this is for me?

MR. DEPUTY CHAIRMAN: Yes, Sheldon. You're also recognized.

MR. CHUMIR: By the way, I very much appreciate you going to the trouble of demonstrating your spirit of citizenship by developing this paper and coming before this committee. However, as a lawyer I tend to be somewhat quarrelsome, and I don't think you guys should get a totally free ride on this thing.

I want to return to the question John McInnis asked earlier about your portion that – you made comments that if you meet a Canadian in the U.S. and ask him or her what their nationality is, they will say Albertan instead of Canadian. They already believe their province is independent from Canada. I must say that's really not what I've been hearing from Albertans all my life. In fact, I don't sense that's the view of people who have appeared before us here. I had a questionnaire in my constituency, and out of 125 constituents 90 percent said they're Canadians first and Albertans second. In a Grande Prairie classroom the other day we asked the students if they would raise their hands as to whether they felt they were Albertans first or they were Canadians. Two said Albertans and about 18, I think, was the number we got saying Canadians. So this is quite a surprise to me.

Now, this may be what you're seeing, but might I ask this: aside from your observations and the few people you've run into down in the United States, on what evidence, on what basis, are you making this statement? Do you have any polls?

MR. ROOKS: Not really. But see, I'm from Ontario. When I first moved out to Alberta, there were a lot of problems because I was from Ontario and was not Albertan. It was sort of like, "Oh, I'm from Ontario and you're an Albertan, so I'm superior," or something like that. Like, the provinces quarrel with each other. It's sort of like two little kids. That's pretty well what the country's like now: a bunch of little kids arguing about who's better and who's worse. That's basically it.

MR. CHUMIR: Well, I think there is a fair and perhaps an unfair share of squabbling.

Might I suggest to you that you go back to your class, maybe other classes and people, and ask on a somewhat scientific basis, or as scientific as you can make it, whether people consider themselves to be Canadians or Albertans. I suspect you'll find that they say Canadians. If we happen to come back, as it's not impossible, I think you may find that what you're able to express on behalf of other people you run into and the majority is that there's a really strong loyalty and feeling for this country.

Thank you.

MR. DEPUTY CHAIRMAN: Any further questions? If not, on behalf of the committee, we'll thank this phase of the presentation for your hard work and interest in this subject.

We'll invite Darren Chidlaw, Eleni Korogonas, and Magdalena Waluga.

MR. CHIDLAW: Okay. We don't believe a unitary system would work in Canada because Canada is so large and there are so many different needs to be met. We don't feel the federal government should have as many responsibilities as they do now; we feel the provinces should. The federal government should control currency, external affairs, and immigration, and education because we feel each child should learn the same thing and have equal educational rights. We think the provinces should control a lot more because they are closer to the people and closer to what the people need. They should control pretty much everything.

7:33

What do we think about language in Canada? We think the provinces should control languages. Depending on what the majority is speaking in that province, we believe they should be able to speak that. We believe Canada's new system should be structured around the Swiss system of cantons. We have looked at this system, and we believe it works well.

We'd invite you to ask any questions you may have.

MR. DEPUTY CHAIRMAN: Thank you.

Nancy.

MS BETKOWSKI: Are you still proposing that the three councils your other group . . .

MISS WALUGA: No.

MS BETKOWSKI: This is totally separate.

MR. CHIDLAW: Yes.

MS BETKOWSKI: Okay. Thanks.

I'd like to explore your recommendation, which is similar to the previous group's, on language rights being given to provinces and, I guess, ask you why you came to that conclusion and seek your thoughts on Quebec as part of that policy.

MISS WALUGA: We believe each province should have its own language rights. They would have their own constitutions; therefore, they could control languages and have one or two official languages. This would give Quebec their own right to be able to speak French. We think a few other provinces would choose English and French.

MR. CHIDLAW: Or other languages possibly.

MISS WALUGA: Yeah. In Alberta maybe it would be Ukrainian, because there are many Ukrainians in Alberta. Or in B.C. . . .

MR. CHIDLAW: Japanese possibly.

MISS WALUGA: Yeah. Chinese and English.

MS BETKOWSKI: I think it would be fine if Canadians would all stay in the same place and never move, but what happens if an individual moves from one province where the use of French, for example, is without any control – it's freely used – to another province where it is not? Should that person be given special rights in that other province?

MISS KOROGONAS: We feel that if a person decides to move to another province, they are taking the responsibility of also changing their language rights into what the province believes. They are choosing to move from one province to another, and they have to obey the Constitution they are going to enter.

MS BETKOWSKI: I see.

Just a closing comment. I'd remind you that in some of the Swiss cantons until very recently women didn't have the right to vote, so don't forget it.

MR. CHIDLAW: We believe that would be in the constitutions in most provinces.

MS BETKOWSKI: To let women vote?

MR. CHIDLAW: Yes.

MS BETKOWSKI: Oh, good.

Secondly, I guess my observation would be: we've heard some cynicism about public life and people in public life, and I would like to encourage all of you to consider a partial career or taking a stint in public life. I think it's a very important cause, and we need young people like you in our political system in Canada. So thanks for all your work on this.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Each time Barrie gets this mike to his side, I also get called upon.

I, too, would like to say welcome and congratulations on the job you've done. Just one question. I was glad Nancy brought up the canton issue. You stated that "referendums are used in both national and provincial levels to vote on laws." One of the problems with referenda is the writer, whoever writes the questions. Who in your view would be able to write the questions relative to any of the laws that are going to be asked people about to vote on these particular referenda?

MISS WALUGA: It would depend. In the provinces the people chosen by referendums to be in the Legislature would write up the laws and write up the questions. In the federal government . . . Maybe, Darren, you can help with this one.

MR. CHIDLAW: We have elected the people to represent us, so we might bring our questions to our representatives and ask them to bring them up in the Legislature.

MS CALAHASEN: That's basically talking about any issue you want people to be able vote on. So your representative would be the one to write the question to be sent out to everyone to vote on particular laws or particular issues.

MR. CHIDLAW: Bring it up in the Legislature and see what people think about that particular situation.

MS CALAHASEN: So you have the faith in the representative you voted in under this system, under another system.

MR. CHIDLAW: We believe our representatives will have to represent us, not be there for themselves. We don't believe in the party system either.

MS CALAHASEN: So basically you're saying no party system but rather on a canton basis, representing the people and using referenda to be able to determine what kinds of issues should be voted on and how those particular votes should take place. Representative government. Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Just pursuing Nancy's question a bit further with respect to the ability to move from province to province, mobility in terms of language rights. If, for example, Saskatchewan chose to adopt Mandarin as their official language, I suppose if Nancy wanted to move to Saskatchewan, it would be possible for her to learn Mandarin and she could participate in government on that basis. But more problematic, I guess: if one of the provinces – for example, Saskatchewan – decided that women didn't have the right to vote and Nancy wanted to participate in public life in Saskatchewan, she couldn't very well change her sex.

MR. CHIDLAW: No, but she could move to another province which does have the right to vote.

MR. CHIVERS: So that limits the range of possibilities for her. What does that do to the principle of equality that you spoke of earlier?

MISS WALUGA: We believe women voting and mobility rights, that people are able to move from province to province, things like that, should be in each constitution. There are language rights and several different things like the law. For example, the courts and the court system should be included in the government.

MR. CHIVERS: But you'd still leave each province the choice to make as to whether they include, for example, the right to vote.

MISS WALUGA: But things we believe in now that are democratic and sovereign, like the freedom to vote, should be in the constitutions of all the provinces.

MR. CHIVERS: But the difficulty is that it may not be, and it might be initially but they may decide to . . .

MISS WALUGA: But I'm sure all the people in Canada already believe in freedom for women to vote . . .

MR. CHIDLAW: Or the majority.

MISS WALUGA: . . . or the majority of the people, and we believe they would add that to their constitutions.

MR. CHIVERS: Okay. Let me change directions here a bit. I'm just wondering: you're both part of the same classroom, are you?

MISS WALUGA: Yes, we are.

MR. CHIVERS: You've got two substantially different models of government that you've outlined, the federal/provincial council system and then the Swiss canton system. You indicated to somebody else that you didn't agree with the other model, and I'm wondering whether you spent some time critiquing each other's model of government in your classroom and if you were able to defend amongst yourselves the relative merits of your models of government?

MR. CHIDLAW: No, we didn't.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

7:43

MR. ANDERSON: Thank you, Mr. Chairman. The concept of the canton model is a fascinating one, and we should be considering all possibilities without question.

What do you think we should do with all that authority which is currently there with the federal government? Do you think we should not have a Supreme Court, for example, when you say the laws should be provincial?

MISS KOROGONAS: We think that each province should have their own Supreme Court, and that would be the final court, the highest court in that province. There shouldn't really be a top court for the whole country, because each province would have their own Constitution so different rights would be applied to each province. So a Supreme Court for all the country would be kind of unfair.

MR. ANDERSON: So when you decide to go to university and you want to go to the University of Saskatchewan because they have a particular area you need to study, veterinary medicine maybe, and we have health care here in terms of paid health care and they don't there, would that still be okay or should there be some national standard in that respect?

MISS WALUGA: Well, I think each person would have to make their own choice.

MR. CHIDLAW: Of where they would want to go.

MISS WALUGA: Right; what is more important to them. They'd have to understand that Saskatchewan does not have a health care plan like that, and if going to Saskatchewan because they have a veterinary school there would be more important to them than having a medicare system, then that would be their choice. They'd have to understand that. Possibly the provinces, since they would be more sovereign, would build a school. I know that Alberta does not have a veterinary school, and possibly they would build it for the people in their province.

MR. ANDERSON: Well, you obviously very strongly believe in strong provinces. Whatever the beliefs, I think they're helpful to us. My congratulations, along with others, on the work you've done and to your class and to your instructors in assisting, which I assume they did, in encouraging you to do this. I wish we had many more, and I hope throughout the rest of the process we will.

Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. My congratulations to you, as well, on your initiative in coming before this committee.

Might I inquire: what grades are you?

MISS KOROGONAS: Grade 10.

MR. CHUMIR: Grade 10? Okay.

I'd like to ask you about the question we were discussing with the previous group re your own sense of identification as to whether you feel yourselves to be primarily Canadians or Albertans.

MR. CHIDLAW: Well, personally I do say that I'm Canadian, but I feel that unless we have a Canada we can be proud of, we will start to refer to ourselves as Albertans or other things. [interjections] Harry Collinge high school goers; I don't know. Unless we can be proud of our country, we're not going to be saying that we are a part of that country and recognizing that as much as we would if we could be proud.

MISS WALUGA: That's right, because if we don't agree with what is happening in Quebec and what's happening with the unity and problems like this, we're not going to say we're Canadians, and the Quebecois are not going to say they are Canadians. So we need to recognize each culture for what it is and therefore that that will bind us together, that we respect each other's culture, respect each other's freedoms. As people with different nationalities, different cultures, that will bind us together, and therefore we'll be proud to be Canadians and proud to have that kind of system.

MR. CHUMIR: Do you all feel yourselves Canadians now?

MISS KOROGONAS: Well, we feel it, but we're not . . .

MR. CHIDLAW: We're losing it.

MISS KOROGONAS: Yeah, we're losing it.

MR. CHUMIR: You're losing it, and you're not proud because we're squabbling?

MISS KOROGONAS: We're not proud of our government because we feel the government cannot make decisions.

MR. CHIDLAW: Because they're not representing us.

MISS KOROGONAS: Yeah. It feels like they're not representing us. They're mostly representing their parties more than us. They cannot go against their parties, and we feel that this is disadvantaging us, you know.

MR. CHUMIR: But do you feel the country has lots of wonderful things about it, that it's a wonderful place to live in?

MISS KOROGONAS: Oh, yeah, it does.

MISS WALUGA: They just need to be brought out and encouraged.

MR. CHIDLAW: Altered.

MISS KOROGONAS: Right.

MR. CHUMIR: What about the Charter of Rights? Do you like having a Charter of Rights protecting our rights and freedoms?

MISS KOROGONAS: We do, yes, but . . .

MR. CHIDLAW: But we don't believe in all the things in the Charter.

MISS WALUGA: No, no. Yeah, we do believe in some of them.

MR. CHIDLAW: We do, but we don't. We do believe that we should have all our rights, but we don't like that the government can take things away.

MISS WALUGA: The notwithstanding clause.

MR. CHIDLAW: Yeah. The notwithstanding clause.

MR. CHUMIR: Okay. So you like the Charter. What about our medicare system?

MISS KOROGONAS: We like that.

MR. CHUMIR: You like that? Do you think that everybody across the country should have the same right to a minimum standard of medicare whether in Newfoundland or . . .

MISS KOROGONAS: We believe that, but our government should . . .

MISS WALUGA: Or governments, since we believe in cantons and separate governments. Because medicare is so expensive and it's part of the reason we're getting into debt, possibly we need to do something about that. We haven't talked about that, but some decision would need to be made.

MR. CHUMIR: Uh huh. But do you like the idea as a matter of principle that Canadians from one end of the country to the other will have some minimum standard, whatever that is?

MR. CHIDLAW: I think so, yeah.

MR. CHUMIR: Okay. What about education? Do you feel that there should be some common standards across the country?

MISS KOROGONAS: Yes, definitely. Right now we feel that some provinces have better schooling than other provinces, and they want to get into the better schools in the better provinces. That is disadvantaging the students that are living in that province, because it's harder to get into those universities that are becoming overcrowded.

MISS WALUGA: As Canadians, even though we'd have separate provinces, we believe we should still be learning the same things about Canada or we should be learning about the other provinces, maybe spend a year learning about our own province so we can get to know our Constitution, but overall get to know Canada and learn the same things that any other student in Newfoundland should learn to make it fair.

MR. CHUMIR: Super. Thank you very much.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. There are two areas I'd like to explore with you. One, in the previous presentation the students talked about political parties being a big part of the problem, that the party leaders tell people what to do. Is that a perception that you share as well?

MISS KOROGONAS: Yes.

MISS WALUGA: Yes, completely.

MR. CHIDLAW: Yes.

MR. McINNIS: This panel and our sister panel have been hearing a similar argument from people of all ages. I'm kind of curious about it, because if you take away political parties, then everybody is an individual, and if you're an individual dealing with the government system, unless you've got an awful lot of independent power, whether it's through wealth or from some private organization, you don't have very much clout. It seems to me that political parties are really a way that people get together and magnify their voice so they'll have some influence. I don't know. It occurs to me that the real issue is who controls the political parties, not whether you have them or you don't.

MISS WALUGA: But people will get together and express their views not through political parties; they'll express them through referendums. Therefore, if there's a majority – we wouldn't agree with maybe 34 percent and 40 percent – of people agreeing on, let's say, a new law, someone wrote up a new law federally, and 40 percent said that they would like this and another 25 percent said they wouldn't or something like this. There would have to be a majority, and people would get together through that. They would get together and directly express their views, not through political parties. You elect members to political parties, and then it's like the biggest minority. Therefore, people's views aren't expressed that way, because then the biggest minority wins and they make the decisions for the whole country.

MR. CHIDLAW: We elect you to be our representatives, not to represent the party. We didn't elect Joe Clark to represent the PCs, the Conservatives. We elected him to represent us.

7:53

MISS KOROGONAS: Like, for example, the GST. We didn't want the GST, and Joe Clark couldn't go against his leader, so he had to agree with it.

MR. CHIDLAW: That's not fair.

MISS KOROGONAS: He wasn't representing us. He was representing his government, his party.

MISS WALUGA: He had no choice. If he went against, what could he do? He'd be kicked out, and that is completely unfair.

MR. McINNIS: Of course, at one time Joe was the leader, but I guess that's a whole other story.

It still begs the question of who decides who's going to be the government. You can have a referendum, but don't forget a referendum is always organized by a government. Somebody always decides what the question is going to be and, in some instances, on what information base the decision is made. You still have to have a government, and I guess what I want you to address is: if you don't have political parties – that is, groups of citizens who work together for a common cause or a common program – you have a bunch of individual politicians who are accountable . . .

MR. CHIDLAW: But they're there to support us, not to support their party. That's not what's happening now. They're supporting their party, not us.

MR. McINNIS: Yeah, I understand the concern. It's just how you devise an alternative.

MISS WALUGA: But the people would study, go to school, express their views, and then the people would hold referenda and vote these people into the federal government. I think we have five federal ministries.

MR. CHIDLAW: Yes.

MISS WALUGA: There would be five federal ministers, and they would decide. They would be directly picked by the people. They would know what the people wanted and would be able to agree themselves on several questions. If they did not agree, they could still ask in a national referendum if they wanted a law. They could still ask the question: do you want this law in? Then the people can decide. The federal government wouldn't be deciding, making the decisions; the people would.

MR. McINNIS: Fair enough.

If I could move just quickly to one other area. It's the area of the environment generally. You kids live in a town with a pulp mill. There's a lot of logging that takes place. I'm just wondering: are you satisfied that with the system the way it is, our provinces and the federal government are looking after the environment? Do you feel confident that we're going to give you a world that . . .

MISS WALUGA: No.

MR. CHIDLAW: No.

MISS KOROGONAS: No.

MR. McINNIS: Okay.

MISS KOROGONAS: Well, with the issue of the Inuit up north: they're saying that the Indians are killing off the beluga whales and they're becoming extinct. The government . . .

MR. CHIDLAW: It's the pollution.

MISS KOROGONAS: It is the pollution from all the factories, et cetera, but there are also other countries. The Japanese and the Germans are also killing the beluga whales, but the government is not willing to come in there and try to do something to save the beluga whales, clean up the pollution.

MISS WALUGA: The government doesn't put enough restrictions, as on the pulp mill. Like, we all know we're dying here and how many people working in the pulp mill have gotten cancer. The government is not putting enough restrictions on environmental issues, like our pulp mill.

MISS KOROGONAS: We say we do, but as citizens we see the government not doing as much as they possibly can.

MR. CHIDLAW: Not educating people enough on how to avoid creating damage.

MR. McINNIS: I'm familiar with the problem. What I'm wondering is if you've thought of something we should be doing differently in order to try to turn that problem around. I don't want to lead you in any direction.

MISS WALUGA: Possibly restricting how much pollution can be emitted, how many logging companies or pulp mills can be created, and things like that.

MR. CHIDLAW: And enforcing the laws we do have.

MISS WALUGA: Teaching people more, possibly in schools having a program, having a class.

MR. McINNIS: Do you think there might be a problem that the various provinces compete with each other for industries sometimes by lower environmental standards or lack of enforcement perhaps?

MR. CHIDLAW: Yeah.

MR. McINNIS: Would you go so far as to say maybe we should have national environmental standards for all of Canada?

MISS WALUGA: We never thought of that.

MR. CHIDLAW: Yeah. I think that would be a good idea: a national standard but then also have some provincial standards.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: I had a question, but I'll just pursue this one a little further. What do you do with what you're suggesting about provincial powers when, as is the case right now, the provincial standard may be higher than the federal standard?

MR. CHIDLAW: Then that's fine, but as long as it's not lower. If it's higher, there's no problem with that.

MR. DAY: Just on the Hinton question itself, my parents live in this area and raised my younger brothers and sisters here. I didn't live here myself. I wasn't aware, even visiting here a lot over the years, that there were higher cancer rates in Hinton than in the rest of Alberta. Are you aware of studies that . . .

MR. CHIDLAW: There may not be higher rates, but there is some linkage between cancer and some of the pollutants put out by the mill. People working in direct contact with . . .

MISS WALUGA: Per capita Hinton has a high cancer rate.

MR. DAY: Is that higher than other places in Alberta, do you know?

MISS WALUGA: Yes. I don't know what rate it is.

MR. DAY: Okay. I didn't know. I'll follow up on that.
You've got some interesting ideas, talking about individuals instead of parties and things like that. I'll try and be a little more open minded than some of my colleagues. I don't have an inherent fear of that, so that's something I think is worth exploring. I appreciate your bringing that idea out.
I'd like to ask: if you're talking about a cantonlike setup, is there a place then or a need for an elected Senate? Does that figure in your formula anywhere?

MISS KOROGONAS: No.

MISS WALUGA: Within the provinces.

MISS KOROGONAS: Oh, within the provinces. Not federally.

MR. DAY: An elected Senate within the provinces?

MR. CHIDLAW: Yes.

MR. DAY: I see.

MR. CHIDLAW: And we feel also that they should be expressing, because right now the Senate doesn't really do anything. They just sit there, make their bucks, and stamp the things. They hardly ever turn back any Bills.

MISS WALUGA: Because of the parties . . .

MISS KOROGONAS: The party in power is the one that elects the Senate. They make the laws, and therefore the Senate of course will pass the laws.

MR. DAY: Yeah, I agree.
Just one comment, Mr. Chairman. You've made a painful admission here tonight in terms of at times not being that proud of the Canadian government and therefore of the country, but with that I sense some optimism. I sense that you're not throwing up your hands and walking away, but you're saying, "Here are some ideas to improve the system," even though you feel painful about parts of it. So I commend you for that.

MR. DEPUTY CHAIRMAN: Thank you. Just before we conclude, I would also like to express my gratitude and appreciation and congratulations for your efforts. Six of you are here this evening. Could you tell me, though: does this represent the work of the six of you, or were other members of the class involved?

MR. CHIDLAW: Just the six of us.

MR. DEPUTY CHAIRMAN: Well, I think that is very, very good.

I guess I just can't leave without a question about the Charter of Rights in our country, which is now approaching 10 years old. Of course you don't remember too much pre-Charter. Therefore I can't ask you whether you feel a lot more free than you did 10 years ago. The big argument about the Charter is that appointed judges then tend to start making the laws instead of the elected people. They use that Charter as a method of doing that. Do you think that is a good idea, or do you think the laws of the province or the canton or the country should be made by the elected people and interpreted by the judges?

MISS WALUGA: I think the laws should be made by the people and therefore . . .

MR. CHIDLAW: Enforced.

MISS WALUGA: . . . enforced, so the judges would act on what the people wanted, on what the people believed in each province.

MR. DEPUTY CHAIRMAN: Thank you. Again, congratulations on your efforts and your appearance before us this evening.

Members of the committee, we have one more presentation before we conclude. The Chair would invite Craig Babcock to come forward. We will try to deal as expeditiously as possible with this, but we welcome you, Craig.

MR. BABCOCK: I won't take much of your time.

MR. DEPUTY CHAIRMAN: We're happy you're here.

MR. BABCOCK: I didn't come here tonight with the intent of making a presentation, but after listening to the other ones, I thought I could maybe just take a couple of minutes.

8:03

One comment I'd like to make is that the government in Canada has been around for 124 years, and it's worked up till now. It's had its rough spots and everything, but I don't think that we have to completely restructure this government; I think we have to refine it a little bit. If you draw a likeness to computers, when computers first came out, everything was on a mainframe and people reported to it, and now people are networking, giving more power to individuals. I think you can maybe draw some kind of likeness there.

On official bilingualism, I think that will work, and I think it will institute itself if it's given enough time. But Canadians have to be more tolerant, English-speaking Canadians as well as French-speaking Canadians.

On multiculturalism, I think that while Canada definitely is a multicultural country, we tend to push that too much. An example of that: I'm from Edson, and on town council there we can get more grant money for a heritage festival than we can for Canada Day. To me that doesn't make much sense. I've got a bit of a problem with that.

I'd like to see the provincial governments get more power in some areas; in some I'd like to see it stay the same or even diminish. I think the federal government has to look after external affairs, defence, and welfare as well as set minimum standards for the environment.

Native rights, I believe, should be entrenched in the Constitution, but self-government for the native community I really don't think will work, as much as I would like to think it would. I think there would be too much problem with transfer payments, administering social programs, and stuff like that with a separate . . . It would be like Italy trying to run the Vatican, I think.

Senate reform: I think the triple E Senate is maybe one way to go. The Charter of Rights: I think, like you said, with the 10 years it's still going through growing pains and has to have some modification.

One statement that one of the previous presenters made, that political parties are controlled by the leader, I really, really disagree with, because I think the leader is controlled by the caucus and the caucus is controlled by the MLAs or the MPs, or theoretically should be. You control your MP, and if he's not doing the job, then basically it's your own fault.

Anyway, I think Canada's not in as bad a shape as we tend to think it is.

That's about it.

MR. DEPUTY CHAIRMAN: It's nice to conclude on an upbeat presentation. Which members would like to . . .

While you're gathering your thoughts, I appreciate what you say about the representative role of the member, but I think there's not a good understanding as to how the caucus system works at the federal level. I would agree with you that it is not working very well, and there's lots of room for improvement there.

Sheldon.

MR. CHUMIR: You can let John go. I've already deferred.

MR. DEPUTY CHAIRMAN: Oh, sorry. John first.

MR. McINNIS: Craig, I just want to ask you about the comment about the amount of activity and the amount of money that is available for multicultural celebrations as compared with Canada Day celebrations. Does that affect the town council at all? Are you involved with cultural groups, and do you sponsor a Canada Day program? I'm just wondering how the money works from your end of things.

MR. BABCOCK: We sponsor both, but this year, because of lack of turnout for the heritage festival, we decided to drop it for this year because of the turnout and the time and effort that went into it. We also sponsor or help with the Canada Day celebrations in town, and we receive funding through the provincial and federal governments, I think, for that. But I know it is less, because we had quite a bit of a problem at the subcommittee level meeting on this.

MR. McINNIS: So you found that there was more funding available for the multicultural event than there was for the Canada Day event?

MR. BABCOCK: Definitely. Yes, there is. It's given out on a per capita basis.

MR. McINNIS: Now, I'm assuming that the Canada Day funding comes from the federal government. Does the multicultural funding come from the province, the federal government, or both?

MR. BABCOCK: It comes from the province, I believe.

MR. McINNIS: The province. Hmmm, that's interesting. That's my question.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much, Craig. I appreciate your presentation. I believe you indicated that you thought the federal government should have less power in some areas and more in others: kind of a mix, a rebalancing. What about medicare? Under the current system the federal government sets some standards and principles, provides the money, and all the operations are then carried out by the provincial government; they make the detailed decisions. Do you think the federal government should have that power over medicare so that there's a consistent standard from one end of the country to the other, or should that be provincial?

MR. BABCOCK: I would like to see, and I really think it could work, medicare come under provincial guidelines or be provincially controlled. To me it doesn't make a whole lot of sense to collect money, send it to one person and have them send it back. If people in a certain province were willing to pay more or weren't willing to pay as much, then you could more or less make your own bed, I guess. If you wanted better health care, you could pay for it, and if you didn't want to, you could not pay for it and pay for it out of your own pocket rather than universal health care. I mean, universal health care is a great thing, but I think the time has come that Canadians are going to have to start paying for more of it on an individual and a user-pay basis. You know, it's getting to that point where it's getting to be expensive. It's prohibitive, cost prohibitive now, and it's going to get worse.

MR. CHUMIR: Do you think there should be a minimum standard for Canadians from one end of the country to the other, whether you're in Newfoundland or the maritimes or Alberta, or is that not a value that is . . .

MR. BABCOCK: I really don't think you need to. I think if a person lives in Alberta, where there's a certain standard of health care, and he goes to Newfoundland and gets hurt, then I don't see why it couldn't work the same as now, where if I get hurt outside my province, my provincial health care looks after my bills. By the same token, if I lived in Newfoundland and didn't have as good health care and came to Alberta and got hurt, I don't feel that it's fair that Albertans and everybody else would have to pay for my health care. I mean, if I'm not willing to pay the premiums for it, then I have to pay it out of my own pocket when something happens to me.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Craig, I just wanted to pursue briefly your comment with respect to the Charter. Your general attitude, if I understood what you were saying, was that it needs some fine-tuning too. I'm just wondering what areas you were thinking of. Are you thinking in terms of adding or subtracting, or what precisely was it that you were thinking of?

MR. BABCOCK: Well, maybe along with what Mr. Schumacher said about the judges making the laws and people in a lot of instances hiding behind the Charter and using it maybe in ways that it shouldn't be used: that people are allowed to do things or don't have to do things because they're protected by the Charter of Rights. Maybe it has too much power in some areas and, again, turns power over to the judge, where he decides on what the Charter says and it's not clear- cut.

MR. CHIVERS: But that's the nature of all laws as long as we're going to have a judicial system that's interpreting the laws. The difference with constitutional laws, of course, is that they're more difficult to change.

MR. BABCOCK: Yeah, I guess so.

MR. CHIVERS: Is there a specific right or freedom that you see entrenched in the Charter of Rights, for example, that you'd like to see removed?

MR. BABCOCK: No. As far as the specifics of the whole thing, I was just making the general comment that I think the Charter of Rights is good, but it may need some fine-tuning. As far as specifics, I really couldn't comment.

MR. CHIVERS: Thanks very much, Craig. I appreciate your coming out this evening, particularly on short notice.

MR. DEPUTY CHAIRMAN: Well, if there's nothing else, thank you.

Oh, sorry. I've forgotten Stock.

MR. DAY: Thanks, Craig. Just a quick question here. You mentioned, as far as official bilingualism, that it will work given time, and I'd like to pursue that a little. The Official Languages Act came about in the early '60s, almost 30 . . .

MR. DEPUTY CHAIRMAN: In 1969.

MR. DAY: The Official Languages Act?

MR. DEPUTY CHAIRMAN: May of 1969. I voted against it.

MR. DAY: Late '60s, and of course closely followed by the official policy on bilingualism, so we're looking at 20 years. The sense we have is that more people are upset about it than not upset. There seems to be an increasing amount of irritation to do with that people don't see the reason for the fullness of it being implemented in Alberta, where languages other than French follow English in terms of numbers. Of course, they don't see it being implemented at all in Quebec. What's your sense that it will improve, Craig? Is it going to need some intervention, or should it be phased out?

MR. BABCOCK: Well, my comment was that bilingualism will work. I don't know that the Act itself that we have in place will work.

MR. DAY: I see. Okay.

MR. BABCOCK: I think something like that almost administers itself over time. If there's a demand for French in Falher, you're going to have a French school. If there's no demand for French in Jasper, you're not going to have a French school in Jasper.

MR. DAY: I appreciate the difference you're making between becoming bilingual or forcing . . . Thanks for pointing that out. Thank you.

MR. DEPUTY CHAIRMAN: Again, thank you very much for your presentation, Craig. The committee wishes to thank everybody who appeared before it today and to say that we believe the citizens of West Yellowhead have been most helpful to us. Thank you.

[The committee adjourned at 8:13 p.m.]

1 p.m. Thursday, May 30, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: The Chair will call the Alberta Select Special Committee on Constitutional Reform to order – that is, committee B – and would welcome the audience and the presenters who are with us this afternoon.

The committee does have a very tight schedule. There are a lot of people who have a lot to say about Canada's future in this area who want to be heard. The Chair and the committee feel that everybody should have an equal opportunity to be heard, and therefore there's going to have to be some discipline imposed as to time in order to allow for everyone who has registered. For those who have not registered, there's an hour from 4 to 5 that can accommodate those people. In order to allow everybody the same right, we are going to all have to try to co-operate, those who are presenting and those who wish to question, in order to get through our business. The Chair doesn't like to be grouchy and will try not to be, but it looks like the Chair is going to have to be fairly firm in order to achieve the ends we all want, and that is to hear what you have to say and to give you the opportunity to say it.

So welcome. Since last Friday this part of the committee has traveled to Calgary, Fort McMurray, Grande Prairie, Hinton, we're here today, and we will be completing our work for this phase of the consultative process tomorrow and Saturday in Edmonton. We know there's a big demand to be heard here. If we cannot accommodate everybody, the committee is certainly going to consider holding more hearings. This shouldn't be seen as necessarily the end of this process as far as consulting Albertans is concerned. The full committee will be meeting next week. In fact, the feeling of most members of this part of the committee is that we are going to have to continue this process later on in the summer.

With that, I'd like to introduce the members of the committee and get on with the business at hand. On my far left is Pearl Calahasen, the MLA for Lesser Slave Lake. Our administrator, John McDonough, is seated between her and the Hon. Dennis Anderson on my immediate left, the MLA for Calgary-Currie. My name is Stan Schumacher. I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, the MLA for Edmonton-Glenora. On her right is one of our hosts, and our real host because he's the only one present today, the MLA for Red Deer-North, Stockwell Day. On his right is Sheldon Chumir, the MLA for Calgary-Buffalo. The Chair has noticed that our colleague Ty Lund, the MLA for Rocky Mountain House, has joined us. You're certainly welcome to come to the table, Ty, if you should desire.

MR. LUND: I can hear well from here, thank you.

MR. DEPUTY CHAIRMAN: Well, you might want to ask a question. You never know.

We are missing two members, and they will be arriving. I guess they're visiting fraternal friends from the Alberta Federation of Labour who are meeting in Red Deer at the present time. They are John McInnis, the MLA for Edmonton-Jasper Place, and Barrie Chivers, who is the MLA for Edmonton-Strathcona.

In order to accommodate everybody, we've had 15-minute segments created. If you use your whole 15 minutes to present, there will really be no time left for dialogue with the committee. That's your business. But the Chair is going to have to interrupt at the end of 15 minutes or else we're going to be depriving somebody of the right to speak at all.

With that, I'd invite Stockwell Day to express a word or two of welcome.

MR. DAY: Thanks, Mr. Chairman, and welcome, first of all, to the committee. It's great to have you down here in Red Deer, and we hope you'll find 10 or 20 minutes in a break time to run out to some of our well-known stores and lighten your wallets a little bit and spread some joy around Red Deer. Also, welcome to everybody here from Red Deer. I'm happy to say that this is one of the largest turnouts outside of Calgary that we've been to, so I'm very excited about that. I also know we've got some friends from the surrounding region, not just Red Deer, so welcome to some of you folks from Delburne and the county of Lacombe and other places. Welcome, too, to a couple of our county representatives that I notice here: Glen Good and August Liivam. Gentlemen, welcome, and nice of you to be here. I hope to hear from you. Thanks for coming.

Ladies and gentlemen, it's an important process that we're involved in. We're really glad that you're taking the time to be involved either to present or to listen and think about the things you hear today. Thanks very much for being here. We look forward to a good day with you.

MR. DEPUTY CHAIRMAN: Thank you very much, Stock. Our first presenters are Ms Pauline Hoskin and Ms Dennie Hycha on behalf of the Alberta Association of Registered Nurses, Centre District Political Action Committee. I'd invite you to come forward. Welcome to our proceedings. The floor is yours.

MS HOSKIN: Thank you. I've given a copy of the submission that we're making for you, and I'll read along with that.

As representatives of the Centre District Political Action Committee of the Alberta Association of Registered Nurses, the latter having approximately 24,000 members, we would like to thank the Alberta government and the members of the Legislature here today for this opportunity to present our views on the Constitution. As registered nurses in Alberta we have concerns about Canada's Constitution, particularly in specific areas such as health care, postsecondary education, women's issues, collective bargaining, and protection of the environment.

First, under health care. As registered nurses and as Canadians we believe that the first principle of health care must be free access to a wide range of health care services including preventative programs, acute care, and long-term care. A Canada-wide system of medicare that is universal, comprehensive, accessible, portable, and publicly administered has been the trademark of Canada and the envy of other countries. However, if the recent cutbacks in federal transfer payments continue, it could mean that the minimum health standards set across this country will be eroded.

We believe the federal system must continue to control the financial bases of health care to enforce these minimum standards. Provinces, then, would have the opportunity to set standards above these national minimum standards. As health professionals but also as consumers and taxpayers, we urge the federal government to support creative ways to promote quality health care programs.

Next, under postsecondary education. We congratulate the government of Alberta on the recent decision to fund the first PhD program in nursing in Canada. This program fits into the goal for all registered nurses to be prepared at the baccalaureate level by the year 2000. In order to maintain the supply of nurses, postsecondary education must be accessible. The cost of postsecondary education must not be a deterrent for students entering nursing. Many nursing students are females, often with children to support.

1:10

Next, under women's issues. Women, who comprise over 95 percent of registered nurses, have traditionally had low wages. We encourage the provincial government to ensure that the constitutional debate addresses the needs of women for equality. With a changing society, a growing number of women are working outside the home yet are still maintaining a key role in the home and in volunteer positions within the community. Nurses have taken on more responsibilities each time there's been a cut in funding, whether cuts at the hospital budget level, health unit funding, or social services.

We encourage the provincial government to recognize the uniqueness of women's roles and contributions as forums on family and community support services, such as the Premier's commission on the family and strengthening healthy communities, travel about Alberta. We challenge each person to think about the care givers in our own families and in volunteer community organizations and to recognize the number of women who are involved.

Also under women's issues, we realize the importance of reproductive freedom and that it must be protected in the Constitution. Reproductive rights must include accessibility to approved reproductive technology.

Under collective bargaining, free collective bargaining including the freedom to form unions, strike, and picket must be guaranteed in the Constitution. At present the right to strike has been withdrawn from nurses in several provinces. This right must be reinstated while ensuring that a satisfactory method of providing essential services is negotiated.

Next, under environmental issues, minimum national standards which encourage long-term environmental protection must be included in the Constitution. The provinces could then enact legislation that goes beyond these minimum standards. Thus, both federal and provincial governments would share responsibility for the environment. We applaud the Alberta government for leading the way with its Beverage Container Act of 1989, which encourages the recycling of glass and plastic beverage containers.

This concludes that portion of our submission. Are there comments or questions that you would like to . . .

MS BETKOWSKI: Thank you, Pauline and Dennie, and thank you to the AARN for being as directly involved in the issue of Canada as you are. My question, maybe not surprisingly, is on health care and in particular with the model we have in Canada, which I think we all support. The objectives are set by the federal government with the provinces carrying it out, as the jurisdiction for health is with the provinces. You rightly point out that the federal government, even with the legislative model of the objectives being set, has reduced the support we expected as a province. One of the suggestions that's been made is that there should be a linking between the Canada Health Act, which sets the standards, and the established program financing transfers, which is where we've had the reduction in the last year. In other words, the two would be a double commitment. I wondered if either of you would care to comment on that as one of the suggestions that's been made, not to this committee, I might say, but more broadly than that.

MS HYCHA: Could you explain a little bit more about the double linking just to make it a little bit clearer?

MS BETKOWSKI: Well, we've got the standards being set, the principles in the Canada Health Act, which I think we all support, and yet the funding to the province has been reduced this year and last year by the federal government in terms of what we expected. So we've actually experienced a substantial reduction in health care funding from the federal government coming to the province. The question is: given that we're committed to the national standard, how do we better link the process of the legislative model and the fiscal model? I don't know if you have any comments on that.

MS HOSKIN: My feeling would be that the finances are basically controlling what the provinces do. If the federal government is going to have strength in what they require as a minimum level, I think the only lever is the finances.

MR. DEPUTY CHAIRMAN: You're in fact saying that he who pays the piper calls the tune.

MS HOSKIN: Absolutely. Yes.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. I appreciate your presentation. You seem to be very committed to having a strong central government. I take it that's correct?

MS HOSKIN: Yes.

MR. CHUMIR: You've referred to a federal role in medicare and the environment. At the present time the federal government establishes minimum standards in respect of certain social programs, women's shelters, other things under the Canada assistance plan. I'm wondering: would you want that federal role to continue, or do you think that should be all transferred to the provinces?

MS HYCHA: We would like to see that role continued as well. We think standards across the country are what would link the different provinces together so that it's a united front. If you start divvying up those responsibilities, there are going to be various standards within each province, and we don't think that's a united Canada.

MR. CHUMIR: What about education, which is now under exclusive provincial jurisdiction? Would you like to see some federal role in terms of the educational system, perhaps some minimum standards across the country in some way?

MS HYCHA: We don't have that now, and actually, yes. In terms of the same way health care has its minimum standards, that might be something to consider as well.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. My question follows on the question of the last two with respect particularly to the health care item. You mentioned that federal transfer payments are jeopardizing the possibility of all the standards being achieved across the country. Just so I'm clear, are you therefore suggesting that while the federal government should establish the standards, the dollars to do that should be equated directly to the provinces, that whatever standard is established, they should be getting the dollars that come from that province back in order to administer the health care system in a way that would ensure those standards?

MS HOSKIN: Is the question, then, that you would only get back according to what you pay in? Is that the question?

MR. ANDERSON: That you would get back at least what you pay in. The question, as you rightly point out at the moment, is that with the cut in federal transfer payments, the ability to carry out the standards or enhance them, as we've done in the past and with some programs currently in this province, is reduced. If the dollar control isn't there but the requirement for the minimum standards is, presumably that ability increases.

MS HOSKIN: My concern is if there would be certain provinces with the ability to pay more and other provinces that would not be able to pay as much, so it would seem that in order to maintain a certain minimum standard, some provinces would have to receive more than they actually put in.

MR. ANDERSON: Any suggestion, then, on how one meets the standards that are established by the federal government if they don't also forward the dollars that are there, even if those dollars have come out of the province in terms of the payment of taxation for that purpose?

MS HYCHA: I'm wondering if what Pauline is also indicating is that there's going to be greater funding to those provinces that can't afford that so there is equality across in health care. I'm not sure that's answering.

MR. ANDERSON: Which at least in the current circumstance would probably reduce even greater Alberta's ability to deal with that, since we contribute and have traditionally contributed far greater than we have had returned.

MS HYCHA: But if we really support the medicare system of equality, then I think we have to consider that as well.

MR. ANDERSON: So you would consider that what Alberta has to carry out those responsibilities is a lesser concern than the federal decisions with respect to where or how that's equalized.

MS HOSKIN: I'm wondering, too, if that is something we said before about setting more than the minimum standards. For instance, a province could then set their standards above that, more on their ability to pay.

MR. ANDERSON: Yeah. I know, Mr. Chairman, that we're running out of time. I guess currently the dilemma we're grappling with is that Alberta has historically provided considerably more than the national standards in terms of its payments, but with the reduction of federal payments the ability to do that has been reduced. In addition, the way we could find the extra dollars has been limited by how the federal government wants the standards established. So the question is whether that goal of achieving standards is being met by the federal government's application of them.

1:20

MS HYCHA: Or if there should be another way of trying to achieve that goal. Is that what you're asking?

MS HOSKIN: It's certainly something that we would be willing to discuss further. Now that you've raised that question, I think if we could take that back and perhaps discuss that another time, that would be appreciated.

MR. ANDERSON: Thank you.
Sorry for taking the time, Mr. Chairman.

MR. DEPUTY CHAIRMAN: John, I have to point out that we are just now approaching the end of the time, so as tightly as possible, please.

MR. McINNIS: I'll try to be briefer than the previous questioners, if I can.
Pauline, Dennie, the comments on health care, collective bargaining, and women are well appreciated. I have a question, actually two quick ones, about the environmental section. The Beverage Container Act is basically a litter control program. There is no recycling built into that system. Whoever generates the beverage containers has to pick them up from the system, and then what they do doesn't matter to the system. They can dump them in a landfill or do whatever they want with them. I take it from your submission that you would support turning that into a recycling program if we could.

MS HOSKIN: Yes, very much so.

MR. McINNIS: On the constitutional issue I appreciated the suggestion that the environment should be a shared jurisdiction, and I support that very much. Some people, including the national wildlife federation, have suggested putting something in the Constitution that would guide the provinces and the federal government in their exercise of the environmental jurisdiction. The suggestion is that we put in something that says that the governments should act as public trustees for our environment and shouldn't pass any laws which would, in effect, result in degradation of the environment. Would you support an amendment along those lines in the Constitution to provide guidance to the provinces and the federal government? Would you like me to read possible wording? That might help. It would say something like: consistent with principles of sustainable development, each person in Canada has the right to clean air, pure water, productive soils, healthy fish and wildlife, and to the conservation of the unique scenic, historic, recreational, aesthetic, and economic values of the those resources; it's a responsibility of Canada and the various provinces and territories as public trustees to safeguard these rights for the benefit of present and future Canadians.

MS HYCHA: I would say yes, we would endorse that.

MR. McINNIS: Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Pearl, as briefly as you can.

MS CALAHASEN: Okay. Mr. Chairman, I had two questions, but I think one has been answered. The other one that I have is the women's issues. In terms of addressing the needs of women for equality, in what sense are you talking about it? In terms of the wage parity, or are you talking about everything else that comes under the women's issues?

MS HOSKIN: Certainly wages are our prime concern at this time, because we do feel that the money equivalent is also how you have more power in the system.

MS CALAHASEN: So it just has to do with the wage, to bring women up to what everybody else is at relative to the different occupations?

MS HOSKIN: But it's certainly equality and working conditions.

MS CALAHASEN: So equality versus equity?

MS HOSKIN: A fine point.

MR. DEPUTY CHAIRMAN: Thank you very much.

MS HOSKIN: Thank you very much.

MR. DEPUTY CHAIRMAN: The next presenter is Shannon Smith. Welcome, Shannon.

MR. SMITH: How are you today?

MR. DEPUTY CHAIRMAN: Very well, thanks.

The Chair has received a comment that people should speak as directly as possible into the microphone as they're having trouble picking it up, and the Chair has to try to remember to do that too. Thank you.

Please proceed.

MR. SMITH: Basically, the way I see our situation in Canada is that we are having a problem because the structure of the country at this time breeds diversity. These issues are cultural, economic, and regional concerns. Now, for economic concerns one example is that Canada is currently a partner in the free trade agreement with the United States and is considering talks on becoming a part of free trade with Mexico, and yet we don't have free trade within our own country, from province to province. Each provincial government feels the need to protect their mandate and their workers by imposing restrictions on the flow of goods and services, but this policy damages the economic viability of each province; it also increases regional feelings. If any province rejects workers or the movement of people back and forth within the country, then what they're going to be doing is not binding Canada together on economic terms. Also, Canada is in need of more interaction between peoples of provinces and not less, and by opening up free trade between the provinces, this would allow this interaction.

Defending uneconomical industries in regions doesn't make sense to anybody. If one area of the economy in one province is uneconomical, wasting taxpayers' dollars to prop that certain business up just won't make the company survive in the modern world anyway, unless you continue pouring taxpayers' money into it. To be honestly truthful, we can't afford it. You know, that's a fact: we just can't.

High interest rates also have been pointed out as a means to attract investment in Canada by a federal government, but using artificial means, which is high interest rates, to attract investment in the long term is going to be detrimental to Canada's economy. The only way to attract true investment in this country is by making our economy strong; then we will not have an artificial means to prop up our economy. Canada's economy is a common concern for federal leaders, and lowering your interest rates will devalue the Canadian dollar, no doubt. According to government, this will cause a problem because we have to use more Canadian dollars to buy American dollars to pay back our international loans. But, as I've talked to some economists, there is a point where lowering interest rates and having the dollar lowered would strengthen the economy by promoting exports to the point that our dollar would maintain a reasonably valued level and probably would return back to where it is now on the strength of our economy, not on the strength of government policy.

Now, lower interest rates would mean increased economic activity. Canada's population is such that our industry far outstrips our consumer ability to keep our industry viable. We depend on exports. With a high dollar our exports are cut back, plus a high dollar allows imports from countries that have a weaker currency than ours and affects our economy even more. So bringing our dollar down at this time by real means would encourage exports, which would then strengthen our economy and during the period of a smaller dollar would diminish imports, keep our industry going until our economy gets to the point where it is a true value, and then we would have a balance.

Canada must, according to economists I've talked to, increase population to at least 42 million in order to keep our own homegrown industry a viable industry and not depend so heavily on exports. Now, this is where we get into provincial. Immigration has to be spread across the entire country. We just cannot continue to pour people into Ontario and Quebec. We have opening-up, burgeoning markets in the western United States and on the Pacific Rim; therefore, each province should be allowed more control over their own immigration policy. Every province has the ability to size up what they need in population, so let's take some of the immigration powers away from the federal government and give it to the provinces. Let the provinces decide. Our economy's scale will not be able to be increased and our products would not be able to be more competitive in our free trading until we get a larger population. It's a fact.

1:30

Taxation of citizens should be primarily a provincial jurisdiction. Any new constitutional process must reduce central taxation powers. Ottawa must become responsible for international policies and only be involved in provincial affairs in periods of deemed emergency.

Education and medical care are provincial jurisdictions under current constitutional powers. Ottawa has the right to set minimum standards of education and medical requirements for each province, but the right to collect the money to meet these requirements must solely be a provincial issue. If that means the province should increase their tax rate and the federal government must decrease their tax rate, so be it.

Ottawa must no longer have the power to purchase votes in one region of Canada by spending tax dollars collected from all regions of Canada. Provinces must be allowed the infrastructure to provide services, and Ottawa must abandon duplicate departments. The economy of Canada cannot support dual taxation and dual bureaucracy and dual expenses to accomplish a single goal.

On cultural issues Canada must become more culturally viable. Enforcing a two-language policy in areas where two-language service is not viable is not only uneconomically deficient but culturally antagonistic. Canadians who speak English as a primary or second language – that taxpayers' dollars must be used to provide French services because Ottawa has decided that will be the case is cultural suicide. In areas of Quebec outside the Montreal-Quebec City corridor French is basically the primary language spoken by about 90 percent of the people. It doesn't make sense to expect taxpayers' dollars to provide English services to a population that is 90 percent French. By the same token, it doesn't make sense to provide taxpayers' dollars to provide French services when the population is 90 percent English.

The people of Quebec are culturally distinct. I know; I've been there many times. It's a nice place. I like it. When compared to metropolitan centres in English-speaking Canada, there is a vast difference in the culture. But each culture in Canada has its own distinction. Aboriginal peoples are just as culturally distinct as the Quebecois. If one takes overall outlook in society as a base, Quebec should not expect distinct treatment from other provinces because they have a large French-speaking population. On a constitutional theme, whatever the province of Quebec demands to preserve their culture, every other province should receive the same. Most Canadians want Quebec to stay in Canada – that's without a doubt – but not at any price.

Aboriginal peoples must be given self-government. To keep pouring taxpayers' dollars being dealt through Indian affairs and other departments, duplicating services, and wasting is not helping aboriginal peoples, and it's wasting taxpayers' dollars, something we can't afford. Aboriginal peoples must be allowed to supply their own political structure in their own areas similar to municipalities in other areas of the country. They must be allowed to tax the residents and resources to supply essential services the same as municipalities do. They must be allowed to establish their own police force and municipal courts the same as other municipalities. Land claims must be settled without regard to political expediency. If an aboriginal population supports a certain quantity and is affected in this land claim, then that long-standing claim must be settled regardless of standing economic or social structures. It is time aboriginal peoples were given political power to govern their territories with the same rights as nonaboriginal municipalities.

Multiculturalism supported by Canada must end. Canada cannot afford the expense of giving taxpayers' dollars for the sake of buying votes in concentrated areas of swing ridings. If certain groups wish to support their cultural identity, then let them, but let them raise the money themselves. Taxpayer-supported multiculturalism is not only uneconomic; it causes diversity within this country. When a federal government supports different types of culture as part of their policy, then we will never truly reach a Canadian culture. The essence of unity in any country is that the peoples within that country develop a common culture. Allowing each culture to expect taxpayer revenues will only cause division between the cultures and the groups as long as one group receives more money than another.

On government issues Members of Parliament must be allowed free votes in order to gauge the consensus of the population. Party line must stop. Every vote should be on the advice from constituents and not advice from a few backroom people. Only budget votes or votes of nonconfidence should be considered party-line votes in the House. Ottawa must allow more input from constituents if Ottawa wishes to keep any semblance of responsible government in power. When the people of Canada see their member vote against their wishes because the member is told he or she must vote in this manner in order to preserve the party rule, the people of Canada can only believe that their wishes are not being considered by the federal government. The current system of federal politics only creates division and destroys faith in government that people in a country should have.

The last point I have before I take questions is truth in government, and this not only with federal but provincial as well. As a member of the media I see on a daily basis how government spokesmen tell half-truths to Canadians. Government is supposed to be for the people, but government errors must be told in the same light as government victories. When government attempts to hide issues from the people of Canada, government divides the people. Any constitutional discussion must include free access to all government documents save only those that truly would divulge military, international secrets or endanger the life and liberty of nationals abroad. When government comes clean to the people of Canada, that will be the first step in government for the people to have faith in government.

MR. DEPUTY CHAIRMAN: Thank you very much, Shannon.

Our first questioner is Stockwell Day. I might remind the committee that we have about four minutes within our time frame left.

MR. DAY: Thanks, Shannon. It's very clearly presented. You've been able to, I think, draw a line today between something where the waters get a little murky, and that is: you're talking about provincial jurisdiction and areas of strong provincial jurisdiction, yet at the same time you're talking about in some cases some standards, even national standards. People that have approached and have talked about this have struggled because they think that national standards mean you have to give up a whole lot of provincial jurisdiction. I think you've been able to show that that does not necessarily have to be the case.

When you talk about high interest policy, and I think you'll find a lot of agreement in this room in what you're saying and how it affects the dollar and it's good for export, I'm wondering: what would your suggestions be? Is there a constitutional suggestion you could give us for when you have a situation, for instance, where Alberta as a government is very much against the high interest policy but virtually helpless to do anything against it if the federal government and the Bank of Canada say or determine that's the way it's going to be? Have you thought of anything constitutionally where you can address that?

MR. SMITH: The only way I can see that we can address that constitutionally is getting the power out of one person or one individual to decide what the interest rates are going to be; if all the provinces or the leaders of the provinces or the finance ministers or some group that has knowledge, not political expediency but economic knowledge, get together, and they sit down and they say, "Okay; let's figure this out." The problem we have right now, and I hate to say it to a degree, is that the government supports the high interest rate because of inflation; they're saying that inflation is too high. But by the same token, the reason inflation is too high is because our taxes have gone up so much that they're raising the prices. So it's an artificial inflation, and the government is using artificial means to try and control it, and that is high interest rates. So let's not make things artificial. Let's get everybody together, sit down at a table, and say, "Okay; what can we do to make things real?" Let's get away from this artificial control of trying to solve problems.

MR. DAY: So again, provincial negotiation to come up with a standard that the country can live with.

MR. SMITH: Yeah. Get it away from one person that is just following government policy because it's expedient for government to follow that policy.

MR. DAY: Thank you.

1:40

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for coming to present your views to us, Shannon. I'm interested in your comments with respect to interprovincial free trade. I'm trying to express what I think the gist of your comments was. You seem to be suggesting that we need national economic integration. Is that a fair . . .

MR. SMITH: Yeah. If you're saying that with national economic integration we have the free flow of goods between provinces without tariffs, barriers, any kind of levies, duties, any of that kind of stuff, yeah, that's exactly what I'm saying.

MR. CHIVERS: Right. And you're recognizing, of course, the interprovincial barriers that do exist. Now, those come under the property and civil rights powers within a province, so how would you address the ability to establish some sort of a national economic integration policy? Would that have to be a new national . . .

MR. SMITH: No. It's simple. Just tell the provinces to get rid of all the barriers. I mean, that's the simplest way to do it: make the barriers gone so that Canada can become more economically viable by having industry in provir [illegible] that's economically viable for that industry to be in that province.

MR. CHIVERS: I appreciate that, but how do you accomplish it? Now, if we have autonomous provinces, let's say, how are you going to be able to accomplish that kind of integration? If one province wants to enact laws which create trade barriers and another province doesn't, then . . .

MR. SMITH: Then in the Constitution make it unconstitutional for provinces to enact trade barrier laws. I mean, it's simple.

MR. CHIVERS: So that would be entrenched in the Constitution?

MR. SMITH: Of course. It's simple. We have free flow of goods between provinces.

MR. CHIVERS: Okay.

The other point I'd like to address with you is: you mentioned the need for honesty in government and access to information, freedom of information. I'm wondering how you see us accomplishing that. Should that be a fundamental right entrenched in the Constitution?

MR. SMITH: Yes, it should.

MR. CHIVERS: To apply to all levels of government?

MR. SMITH: That's economic, expenditures: anything that's going through government other than anything that would endanger the national structure of our country, such as military secrets, individuals overseas that are, you know, with CSIS, or stuff like that where these people would be endangered. Other than that, every fiscal policy, every expenditure, everything that goes on in any of the Legislatures, anything that happens is recorded, and if anybody wants to see it, all they've got to do is walk in and say, "I want to see it."

MR. CHIVERS: I have some other questions I'd like to ask you, but in view of the time, I'll pass to another.

MR. DEPUTY CHAIRMAN: The Chair is in one of these difficult positions. We really are over the time now, and I think we're going to have say thank you, Shannon.

MR. SMITH: Can I have just one 10-second little blurb here?

MR. DEPUTY CHAIRMAN: Yes.

MR. SMITH: You were talking earlier about the inadequacies of the transfer payments to provinces. In case the council here did not know, Alberta has the greatest amount of inadequacy of any province in this country. We have a negative $6,141 per capita deficit. Now, I hate to knock Quebec, but they're the second strongest industrial province in Canada and they're getting all the goodies. So why should we or B.C. or Ontario have to pick up that slack?

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Our next presenter is Mrs. Jeanne Locke. Welcome, Jeanne. Maybe just put your name thing over Shannon's. Shannon's is being removed.

MRS. LOCKE: I'm sorry. I have a hard act to follow. He had all his down; mine is a lot of ad lib.

MR. DEPUTY CHAIRMAN: That's fine.

MRS. LOCKE: I'm a senior citizen, as you can see, and I'm a retired federal civil servant of about 20 years, married with four children.

The first thing I would like to bring up is the unity of Canada. Something that angers me every day – newspaper, radio, and everything – is this constant calling us English-Canadians or French-Canadians. We are all Canadians, period. We either live in Quebec, Alberta, New Brunswick, or wherever it is. I have to calm down; this really angers me.

Anyway, thank you, too, for signing the Constitution. When I skimmed through and read the parts on Quebec, naturally I want them to belong to Canada. They have been a part of Canada ever since they were put in the Constitution as far as I'm concerned. We're like a family, and they're like an older child that wants out, but we can't give it all to them. So when they come in, let's be fair. But if I hear somebody referring to me as an English-Canadian one more time, I'm going to stamp my feet a whole lot harder.

I agree with Shannon, who was ahead of me, and I would like to see you back off the tough stance on multiculturalism and bilingualism. It's causing such a huge division, and the backlash among not only the people affected directly by the multiculturalism but all the rest of us is just hurting. Bilingualism. Go back to the days when I went to school, when we learned French in school. We studied all about it, and Quebec was studied along with the rest of Canada. Quit shoving it down our throats and spending millions of dollars. We don't need it. Quit dividing us.

Elected Senate. I would certainly like to see an elected Senate. The country cannot afford the luxury of the old boys' and girls' groups that we have in Ottawa. We don't need it, and it's ineffective. I'm sorry if you don't like my terminology, but I don't understand. It looks to me in reading the Constitution that this was drawn up way back in the days when we didn't have the wonderful communication that we have today, and that huge group is not needed.

MR. DEPUTY CHAIRMAN: Jeanne, I don't like to interrupt, but I don't think there's anyone at this table who would be prepared to defend the Senate as it presently stands in any way, shape, or form, and we are all united, regardless of party, on the basis of the triple E Senate.

MRS. LOCKE: Thank you.

I would suggest that we follow along the lines of the United States Constitution when it comes to the Senate. I don't know what the feelings of anyone else are, and I haven't studied it enough, but it looks pretty effective to me with not near the complication that we have.

Penal system. I think every mother has to feel like I do about the penal system today. I don't know what's the matter with us except that it looks to me like since the Charter of Rights came in, everything is for the perpetrator of the crime. We do everything we possibly can. We don't worry about punishment. When we're all finished, if he's guilty, we'll slap him on the fingers: he had a tough time growing up. We certainly don't have much sympathy for the victims.

Everybody sues, sues, sues nowadays. You have to be careful you don't trip on something. It doesn't matter what you're doing; it just seems to me that our penal system has gone from one extreme to the other. We're all afraid all the time. So many innocent people's lives have been ruined over things where there should have been no penalty at all and where the penal system should not have been involved. Ten or 15 years ago you wouldn't even have thought of trying to take it to court.

I'd like to see some teeth put in it: tougher laws, tougher punishments. I'd like to see what I call a free vote on punishment in this country. I do not call the last one a free vote. Shannon mentioned ahead of time about the voting that goes on in Ottawa whereby you vote as you are told, not as your constituency says.

Immigration. That happens to have been the department, partly, that I worked for for years. I'd like to know what percentage of immigrants are coming from Britain and Europe, if any.

MR. DEPUTY CHAIRMAN: We are a provincial committee, and up to now, immigration, as you know, has been pretty well dominated and administered by the federal government. I don't think we can answer your question. I guess we'd like to know whether you feel the provinces should have more input in immigration.

MRS. LOCKE: I would certainly like to see more skilled trades come into these western provinces. I'm wondering why there's not more effort made, and I'd like to know how much effort is made to try to bring them in. I know from my own experience that it was almost impossible to bring anybody in when you couldn't find people in this country.

The other thing that angers me – back again to this penal system; it's immigration and the penal system too – is this Charles Ng matter and all the people like him who come into this country. What in the world is in our Constitution or our laws that allows a thing like this to happen?

MR. DEPUTY CHAIRMAN: I guess you'd say it's the Charter of Rights.

MRS. LOCKE: Then, isn't there anything we can do about it?

MR. DEPUTY CHAIRMAN: Well, that's why we're traveling around the province to hear people's views on the existing system. If they don't like those things, then this is the opportunity to say so, and you are, in fact, saying that you don't like it. We're hearing it, and it will be taken into account in the development of a position on the part of our province.

MRS. LOCKE: Well, from what I hear – and it's my feeling too – we're the dumping grounds for the world: "If you're going to get your head taken off someplace else in the world, run to Canada. They won't hurt you there; they'll protect you and hide you and keep you. You don't have to go back to California or wherever." That's a low blow, but it's true.

1:50

I'd just like to make the comment, too, as far as the penal system and our life today in this beautiful, wonderful country of ours: so many of our young people today have no respect for the law, the schools, the home, the courts, personal property, or so many things. We have become such a permissive society that somewhere along the line we have to back off and be a little bit tougher. Doesn't anybody say "no" any more, or is it because we're afraid we'll be sued if we use the back of our hand?

That's about all I have to say. I'd just like to say that I wish we could go back again to the kind of a country that I grew up in, where I cared about you and you cared about me; I didn't tear your property and didn't try to take you to court or tear you to pieces. I was proud of the government I worked for and certainly of this country.

That's about all I have to say.

MR. DEPUTY CHAIRMAN: Thank you. It's obvious your message comes from your heart, Jeanne.

MRS. LOCKE: Is there anyone who can answer any of my questions on the laws or immigration?

MR. DEPUTY CHAIRMAN: Sheldon, did you want to participate?

MR. CHUMIR: Thank you very much. I would I guess just like to sound Jeanne out on her views with respect to what it means to be Canada in terms of some of the national programs we have and whether or not she feels it's important that there be minimum national standards across the country for things such as medical care, some social programs, perhaps education, perhaps the environment, and whether she feels it's important that there be some role for the federal government, perhaps a strong federal government, in those areas to ensure that we have those things or if she would prefer to see them shifted to the provinces at the risk of having a patchwork system.

MRS. LOCKE: In some instances, especially health, the way it has been, I think that probably there is more of a turnover to the provinces. Am I not correct in that instance? Is more being transferred over? You're getting less money. I gather that's probably as big a problem as any. I think we have the most wonderful health system in the world. I'm not one of the seniors complaining about lack of money. Maybe everybody behind me will chew me out for that, but I can't believe how many things we get. I just turned 65, and I don't expect all these things. I don't want my children to have to pay for me to live in luxury as a retired senior citizen.

The massive income tax now is terrible. I'd like to see the younger people and the middle-aged group that are earning all the wages have enough take-home pay to feed the kids and have decent housing and a little bit of life beyond that. What's expected of them is terrible. I'd like to see their children and grandchildren have a better future. If we keep asking for more and more and more for each province and Quebec in particular and everybody in the country, what's going to be left pretty soon?

MR. CHUMIR: Do you think it's important, in terms of the medical program that you like, that we have minimum national standards across the country mandated by a federal government, or do you think the federal government should have no role in these?

MRS. LOCKE: Well, I don't see why the provincial governments can't do just as good a job on their own. We certainly have it right here in Alberta. I was living in Saskatchewan when that provincial program came in there, and it's done nothing but go ahead too. No. I think it should go to the provinces.

MR. McINNIS: I have a question, Jeanne. There are a number of people who have expressed concern about the way the Charter of Rights and Freedoms has worked out in the last few years, some of the cases. You referred to the Charles Ng case. The tradition of trying to limit the authority of governments with respect to citizens goes back further than the Charter. In my memory there's John Diefenbaker's Bill of Rights in 1959, and Peter Lougheed brought in an Alberta Bill of Rights in 1971. They all tried in their own way to draw a line around the authority of government to say that you can't do certain things to the citizens. Are you feeling that that whole tradition has been a mistake, that we should go back to the situation in which Parliament and the politicians are supreme, or do you think there really is a need to limit the authority of government in some way with a Bill of Rights?

MRS. LOCKE: Well, I certainly think they should be limited, but who are we here in Canada to tell the United States or any other country in the world: you can't have your prisoners back; we'll decide whether we keep them here, foot all the bills? We let them loose eventually. They get loose: the rapists, the murderers, and everything else. It's not safe to live here any more. I really worry about the cities. Look at our Edmonton, murder capital of Canada. Now, isn't that something? Lawyers and lawyers and lawyers. Everybody needs to be a lawyer. Even my granddaughter's going to be one, and we all wish she was one earlier. I just think it's gotten out of hand. On the one hand, we can sue for everything, but whoever wins, it means nothing, especially if there's been a murder or a rape or something like that. I'm sure every mother feels the same as I do. You feel so helpless. What's the matter with the legal system and the penal system? I certainly don't think we should be telling any other country, California or anyplace else, that they can't use the death penalty. What kind of a setup do we have in Canada that allows us to hold that man Ng here, for example?

MR. McINNIS: I understand what you're saying. I'm just wondering if you have any ideas on how the Charter could be fixed. What I hear you saying is that you don't want it scrapped, but you don't like the way it applies to certain immigrant people and to certain people who are I guess in the criminal justice system. Would that be a fair way to . . .

MRS. LOCKE: That's right. I think you've probably said it very well.

I had written here in my shorthand, too, to ask you: when an immigrant comes into this country and applies for immigration, is there anything anywhere along the line that says: if you don't follow this and this and this or you commit any kind of a crime of whatever degree it is in the first three years, five years, or whatever, you're going to be sent back to your country of origin? How is that controlled? What is the law on it?

Maybe we wouldn't have a lot these terrible things we have. I don't mean to say that it's immigrants. I don't just mean that. I'm saying that people coming into the country shouldn't be able to come here and do their fighting against other groups from their country, and you all know who I'm talking about. If they want to do that, go back where they came from; don't come in here and ruin our country with fighting each other. I think it should be somewhere in the Constitution whereby if immigrants come into this country and commit a crime or instigate a lot of these things that are going on, criminal offences, they should be sent back to their country. There should be something in the Constitution and, say, a limit of 10 years or whatever. Surely by then they'll have learned to love the country enough that they'll quit it.

MR. DEPUTY CHAIRMAN: Well, Jeanne, I do believe that it is in the present law that if a landed immigrant commits a crime before he becomes a Canadian citizen, he can be deported.

MRS. LOCKE: Yes, but is anyone ever?

MR. DEPUTY CHAIRMAN: Well, I saw on the news last night where one was. So that shows that there is a law, but it may also show that it's more honoured in the breach than in the . . .

MRS. LOCKE: Well, this is what I've written here in my notes two or three times: put some teeth in it. Maybe these things are covered, but is everybody afraid to say "no"? Is everybody in government afraid to offend someone?

MR. DEPUTY CHAIRMAN: I don't know. I can't speak for everyone.

I have to say that we have now gone just slightly past the time. We certainly appreciate your presentation. Thank you.

MRS. LOCKE: Thank you very much. It wasn't that formal, but I got it off my chest, and the neighbours will all thank me for it. Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is George Boles. Welcome, George.

MR. BOLES: Thank you, Stan.

MR. DEPUTY CHAIRMAN: Nice to see you.

MR. BOLES: Nice to see you too.

Originally this was . . .

MR. DEPUTY CHAIRMAN: And this is Mrs. Boles?

MRS. TULLIKOPF: Oh, no, it isn't. Joan Tullikopf.

MR. BOLES: Oh, excuse me.

MR. DEPUTY CHAIRMAN: Oh, sorry. It wasn't on my list.

MRS. TULLIKOPF: I don't know if my name's down. I just came to give him moral support.

MR. BOLES: Moral support.

Well, Mr. Chairman, I think probably we're going to gain a little time here because our presentation won't be as long as some of the others. I already realize that you people have to get used to listening to the same story over and over again. The day will get long before you get out of here today anyway. I can see that. So you won't mind if we're . . .

2:00

We drew this up originally for the Spicer commission, and we sent it into them. I will admit that they acknowledged it. It's not very long, by the way; it's just that the paper is long. I presume that it has long since gone through the paper shredder down in Ottawa somewhere. We only have about four or five issues on this part that we gave to them, and I don't know how many are going to turn up in Mr. Spicer's report when he gives it. It's addressed to James Horsman. I guess I better change that to Mr. Stan Schumacher. I think most of our things here kind of pertain between Ottawa and the Quebec issue; however, we'll see how it goes. Eight people, by the way, drew this up. There were three women and five men, so you can't zero in on me for all of this, because it isn't all my ideas.

The Quebec language issue. We are concerned about what we perceive to be a preferential treatment of Quebec, be it in immigration powers or the nonrealization of equitable bilingualism. We resent the fact that the politicalization of the language issue has caused severe national polarization. A reformed Canadian Constitution would address this imbalance.

The next heading is Quebec and finances. Our committee resents the financial preference Quebec receives from the federal government, especially in light of the disproportionate amount of money that that particular province contributes to the federal tax system as compared to the have provinces. We believe this imbalance contributes directly to the national deficit. I realize that point was just made a little while ago by a previous speaker.

Triple E Senate. We have it down here, so I guess I'll have to read it. Our committee believes Canada must move to a more efficient system of checks and balances through the Senate. We suggest that constitutional reform would ensure the adoption of a triple E Senate to serve as a buffer against powerful regional interests.

Quebec and the distinct society. Our committee wishes to point out the unfairness to the rest of Canada in recognizing Quebec as a distinct society. While Quebec is certainly a unique part of the Canadian fabric, it must not be so at the expense of democratic freedoms which should be universal to all Canadians. While we do not have concrete suggestions as to how reform should take place, we feel constitutional reform is one avenue worthy of investigation.

This last one is just a summary of issues. Our committee wishes to present a general statement of Canada today: abortion, the erosion in respect for authority, the abuse of the legal and welfare systems, the Young Offenders Act, and the negative outworking of the Charter of Rights and Freedoms are contributing to an alarming deterioration of our Judeo-Christian ethic.

The guy that helped us write it is a professor, by the way, so he likes using good-sized words. I do have just a few handwritten notes, and with your permission, I'll run through them. Then if there's the odd question – or maybe Mrs. Tullikopf might have a word or two or whatever.

Since the preceding brief was drawn up, other points have come forward which I would like to elaborate on. As of May 2, 1991, the Canadian flag in Quebec will be flown on special occasions. Now, I presume that means that's a concession to Canada. I think the way it was, they didn't fly it at all. I did notice a year ago now, when Nelson Mandela came to Quebec City, the whole concourse where they were there, in a big city square, was all fleur-de-lis flags. I never saw one Canadian flag. However, as of May 2 they will fly it on special occasions. That passed the National Assembly that day. I wrote it down so I'd have the notes on it. Where English is so despised that it is not allowed on outside signs and streets are renamed to get rid of the vile: that's happening right now. As a matter of fact, I think I read where Dorchester Boulevard has been renamed René Lévesque way. I think that's right. Some of you people have probably been there – you'd have more reason than me – so you'd know.

The Bélanger-Campeau commission, with their 20-some demands "or else" report that came out. That was after we made that thing up. With Joe Clark stating on May 17 in the *Calgary Herald*,

> The only way for our reforms to succeed is to respect the special nature of this country, including the objective reality that Quebec is a distinct society.

Well, he might be able to put it over now, but a year ago it certainly wouldn't wash.

We had a trade fair in Three Hills about a year ago now, and that was right at the height of the Meech Lake deal. We drew up a petition, and we had it signed. We only had it before the public about eight hours, and there was nobody being wheeled in to sign it or anything else, but it basically said that you were against Quebec being a distinct society and you were backing the stand of Clyde Wells. That's what it was sort of all about. I didn't man the booth, by any means, but people came by the trade fair and took the time to read it and signed it. There were 182 people who came by and signed it, and there was only one person who read it that felt that he wouldn't sign it. By the way, it wasn't just Three Hills people there. They were from Calgary, and there were people on the list even from High Prairie. So it's sort of, you know, all over the province.

In February Brian Mulroney stated that he was going to offer Quebec a deal they couldn't refuse. Returning to just one year ago, to the Meech Lake attempted snow job with western Canada, it was running somewhere near 80 percent opposed, with not one elected representative in Alberta, federally or provincially, publicly saying that the deal, according to the vast majority, was wrong. When that happened, I've got to admit that I for one had the distinct feeling that democracy is really not alive and well. It might surprise you. But the phone-in shows – of course, that's where you have kind of the hotheads and everything else – are running 90 percent. Angus Reid said it was around 80, you know. Then we ran this poll at the trade show in Three Hills, so I kind of know. It certainly was high; let's put it this way: extremely high. And for not one politician to stand up and say, "Wait a minute; maybe there's something going wrong here." It doesn't matter what political party I'm looking at here; I mean all of you. It seems like nowadays if the leader of the party says something, everybody just falls into line like a bunch of soldiers and they don't question it. I can't understand it, and I think it's totally wrong.

With all of the above it should not make English Canada feel real complacent. When the final dice are rolled – and we know whose expression that is – on the constitutional deal, it may only take one shade of paint to colour the country of Canada. But will Quebec only be there for federal government handouts and equalization payments? That was all I had to say on that.

One more thing I'd like to add. I think probably the most honest politician after last year's Meech Lake was on Saturday morning, and I have this on tape at home. This CBC interviewer was interviewing Premier Bourassa – I guess he's Prime Minister Bourassa in Quebec – and he was pretty near crying, this CBC guy. "My," he says, "wasn't it terrible? You had the whole country behind you, and 96 percent of the people were in favour of the deal." He said, "Just one person stood in your way." Well, of course, it was two. It would be the Indian chap from Manitoba and Clyde Wells. And Bourassa says: "Wait a minute. Let's set the record straight." He said: "The politicians were in favour of Meech Lake. English Canada was opposed to it." I have it on tape at home, by the way. That's what he said.

Well, that's my shot at it.

MR. DEPUTY CHAIRMAN: Thank you.

MR. BOLES: Would you like to say something, Joan?

MR. DEPUTY CHAIRMAN: Well, Joan, if you have something before questions . . .

MRS. TULLIKOPF: No, I just thought if there were any questions . . .

MR. DEPUTY CHAIRMAN: Well, if nobody else wants to say anything, the Chair will ask . . .

MRS. TULLIKOPF: Maybe I will just say one thing.

MR. DEPUTY CHAIRMAN: Sure, Joan.

MRS. TULLIKOPF: I guess one of my really strong feelings on the issue is the issue of abortion, which I am completely opposed to. I just heard recently that 1 million babies have been aborted within – I'm not sure if it's in the last year, but Canadians anyway. What we're doing to fill that gap is bringing in people from other cultures, very many of them from countries where their system has failed. They're disrupting the very basis of our history. Our country was started and so many of the institutions – educational, hospital, and so on – were started with a Christian basis, and we are bringing in people to fill this void of numbers from countries that do not have that basis. In many, many cases their system has failed, so we're bringing them in to ensure that ours will fail like theirs.

2:10

MR. DEPUTY CHAIRMAN: Stockwell wants to ask a question, I believe, as well, but I wanted to just clarify. I gather from your presentation that the group was not very enamoured of the way the Charter of Rights has operated since it was introduced in 1982.

MR. BOLES: I think a reasonable answer to that would be yes, Stan. Sure.

MR. DEPUTY CHAIRMAN: I guess that's one area where you would agree with the position of the province of Quebec, because I believe it's factual that one of their problems with accepting the present Constitution is the fact that – their major problem was that the Charter of Rights was attached to the British North America Act.

MR. BOLES: I guess – yeah, it was. I know.

MR. DEPUTY CHAIRMAN: And that is really one of the reasons why the Meech Lake agreement was attempted and why we're presently trying to attempt something else.

MR. BOLES: Right. That's good, yeah.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman, and George and – Joan, is it?

MRS. TULLIKOPF: Right.

MR. DAY: You were talking, as was Mrs. Locke before you, about the penal system, and you mentioned the Young Offenders Act. There are some areas of federal jurisdiction right now which don't allow us in the province – if we wanted to pursue some particular policies in terms of young offenders and treatment in dealing with young offenders, we can't do it because of federal legislation there. You've also mentioned, as another example, the extradition policy being federal. So we have Charles Ng here, and we can't seem to convince the federal people that we don't agree with that policy. It's federal jurisdiction, so we're stuck with it. I've actually suggested that if they won't change their minds, at least would they take Charlie down there to Ottawa, if they like him so much, and keep him in a jail down there. Would you suggest that we do something constitutionally to gain more jurisdiction of the Criminal Code areas that are now controlled by Ottawa? Are you suggesting we alter things in a constitutional way there?

MR. BOLES: Well, I can hardly believe, personally, that we're the only province that's complaining about these things.

MR. DAY: No, we're not the only ones.

MR. BOLES: This is what I think. It must be nationwide. You know, I look back to the days when I was a kid. I could drive a vehicle; in fact, I did. The war was on, and I had to drive a grain truck when I was 15 years old. I suppose, you know, when I look back, that if Stan had been the lawyer in town when I was 15 years old and if I saw his Cadillac sitting there and the keys in her, I'd have just loved to jump in it and blow the carbon out of it. No penalty. Why not? Have a little fun. And that's the way it is now. There's no penalty.

MR. DEPUTY CHAIRMAN: My cars never have carbon in them.

MR. BOLES: You clean it out yourself.

But that seems to be the problem. I don't suppose you can bring back the cat-o'-nine-tails, but really there is no penalty for this. In fact, if you're – what? – under 14, I don't even think they can take you to court for stealing somebody's car, can they?

MR. DAY: Well, there are different areas, but I guess the main question is: do we address it in the Constitution? Should we address it, have all the provinces get together and try and negotiate more control? An Alberta Supreme Court? I mean, what are the ways . . .

MR. BOLES: Surely it's something that would have to cover a bigger field than just the province of Alberta. The jurisdiction has to run across the country. Don't you think so? To be equal from province to province: wouldn't it be better?

MR. DAY: Well, this is what I'm asking.

MR. BOLES: Yeah, than having, you know, just every little area, every province with different rules.

MR. DEPUTY CHAIRMAN: As far as I'm concerned personally – and I'm not speaking on behalf of the government or anybody else but as the MLA for Drumheller – my own view is that we wouldn't have the problem with Charles Ng if we did not have the Charter of Rights. Would you like in a new Canada to see the Alberta government take the position that the new Constitution of Canada should exclude the Charter of Rights?

MRS. TULLIKOPF: I was just going to say in regard to this that I think that certainly the Charter of Rights has caused us a lot of trouble, and at this moment, really, the handful of judges in Canada have far too much control over what they are stipulating, like the fellow recently that got – all sorts of dreadful things he did in the States, yet when he came up here, he applied as an immigrant, all those things were waived, and the judge said, "Fine; you can come in." Well, can one judge and all of these other judges really make those kinds of statements on our behalf? Don't you think there's a handful of judges that are really running the country as far our legal system is concerned, and they aren't the ones that should be? This all stems from the Bill of Rights and what they read into it legally.

MR. DEPUTY CHAIRMAN: Well, then is your answer that you'd like to see us do without and go back to the way we governed ourselves for the first 115 years of our history?

MRS. TULLIKOPF: Well, I certainly think it has stemmed from the time . . . I say yes. Just go back and take it out, and maybe something can come up that would fill the gap. But take it out and start over again.

MR. CHIVERS: I'd just like to pursue that. Do we have time?

MR. DEPUTY CHAIRMAN: I won't deny you the right.

MR. CHIVERS: I just have one area that I want to ask you about. Mr. Schumacher has pressed you to give a yes or no answer to whether or not we should have a Charter of Rights. Now, we have provincial legislation as well that deals with human rights, and it's called the Individual's Rights Protection Act. It guarantees, in a sense, some of the same rights that the Charter covers because it says: without discrimination on account of race, national or ethnic origin, colour, religion, sex, or disability. People in Alberta have the right not to be discriminated against on any of those grounds with respect to employment matters. In other words, you can't discriminate in hiring somebody on the basis of race or sex or colour. You can't discriminate if you're renting residential premises. You can't discriminate against them on that basis either. You can't discriminate against them on race, colour, or sex, and you can't discriminate in respect of providing public services to them. Now, that's only a few of the areas that the Act covers. I'm wondering what your position on that legislation is. That's also construed and applied by judges. Should we abolish the Individual's Rights Protection Act?

MRS. TULLIKOPF: I would like to say that we are with all of these visible minorities and so on often getting preference over the people who aren't the visible minorities. We have really relegated so much of our employment to second-rate people, and that's what's happening because of that, isn't it?

MR. CHIVERS: As Mr. Schumacher did, I'd like to press you for an answer. Do you think that legislation should be abolished?

MRS. TULLIKOPF: Well, it will have to be, and changed.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. BOLES: Well, thank you very much, panel.

MR. DEPUTY CHAIRMAN: The next presenter is Warren Trenchard, on behalf of Canadian Union College.

Welcome, Warren.

MR. TRENCHARD: Thank you, Mr. Chairman, for the opportunity of addressing the committee.

On behalf of Canadian Union College, we have submitted to the committee a statement that relates, I guess somewhat unwittingly, to the last issue that you were talking about, namely the Charter of Rights and Freedoms. The issue, however, is not so much with regard to the Charter itself but with regard to other aspects of the Constitution, particularly one section of the Charter which seems to cause a problem. The constitutional notwithstanding clause set out in section 33 of the Charter of Rights and Freedoms has been controversial since its emergence from a November 1981 federal/provincial conference of first ministers. The debate has become more vigorous and more pressing since the December 15, 1988, Supreme Court of Canada decision in the Chaussure, Brown's, Singer cases dealing with the signage provision of Bill 101, the Charter of the French Language, and the subsequent adoption by the Quebec National

Assembly of Bill 178, An Act to Amend the Charter of the French Language, containing a section 33 override clause, in this case overriding Charter of Rights guarantees of freedom of expression, section 2(b), and Equality Rights, section 15.

2:20

The very idea of a constitutional mechanism to override fundamental freedoms is, in my judgment, a fundamental contradiction. Freedoms cannot be guaranteed and fundamental, as the Charter declares them to be in sections 1 and 2, and at the same time subject to legislative override. The existence of the override provisions of section 33 represents, in my judgment, a serious flaw in the Charter. The address of this issue must be central in any process to revise the Constitution of Canada. The fundamental freedoms and legal rights of Canadian citizens have no real security under the present Charter. It is unacceptable for the Charter to elevate the sovereignty of parliamentary bodies above the fundamental freedoms and rights of persons. This must change if we are to live in true freedom within a democratic society. It is not sufficient to have commitments from government concerning the intention not to abuse the notwithstanding clause.

The provisions of section 33 create some ironic anomalies. Let me cite one example. Section 29 of the Charter indicates:

> Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

This section is not subject to override by the notwithstanding clause of section 33.

Section 2(a) declares that everyone has the fundamental "freedom of conscience and religion." However, this section may be overridden by provisions of section 33. This provides for the ironic and illogical potential that religious schools are protected while the free exercise of religion even in such schools is not. The defence of the clause, apart from the pragmatic purpose to gain a consensus among first ministers in 1981, includes the desire to prevent the politicization of the courts and de facto power of the courts to make laws by interpreting the Constitution. My response would be that the courts in section 1 of the Charter already possess the tools to carry out the balancing of interests and values within the society. There is no evidence to suggest that elected bodies are less political and potentially less manipulated than appointed ones. In fact, one can make a reasonable case that the opposite is true.

Among the various alternatives that have been proposed to soften the impact of section 33 are the following. One, shorten the period of override to less than the five years provided. My response would be that this does not address the fundamental problem; this may even increase the applications of the clause. Two, limit the number of times the provision could be renewed. My response would be that this does not address the fundamental problem with the provision. Three, further restrict the particular rights and freedoms to which the provision could apply. My response again would be that this does not address the fundamental problem with the provision and, further, that none of the rights and freedoms currently subject to section 33 are expendable, in my judgment, in a free and democratic society. Four, require the Legislature to have a two-thirds or three-fourths majority to pass any override legislation or to include the agreement of opposition parties. My response: this again does not address the fundamental problem with the provision, and furthermore such measures may be useful in constitutional amendments but are unacceptable where fundamental freedoms are concerned.

Not only does section 1 of the Charter guarantee the rights and freedoms set out in the Charter; it also places reasonable limits on such rights and freedoms, in the words of the section, "as can be demonstrably justified in a free and democratic society." This, of course, is a necessary and I believe sufficient safeguard against the abuse of individual rights and freedoms. It gives the Legislatures and courts adequate constitutional room to secure the integrity of society. No further provision for override of fundamental rights and freedoms is needed.

There is nothing that can be done with section 33, in my judgment, to make it constitutionally compatible with the fundamental nature of the guaranteed rights and freedoms it may override. Therefore, the only solution to this constitutional contradiction is the repeal of section 33. No amount of tinkering with it can make it acceptable. It must be eliminated.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Warren. Barrie.

MR. CHIVERS: Thank you for presenting your views to us, Warren. I share your concerns with respect to the notwithstanding clause. It seems to me that if we're going to have minimum standards in human rights – and I know there's a lot of disagreement amongst us, particularly in this room, as to what those rights should be – they must be applied universally across the nation. Consequently, the notwithstanding clause is a source of some inequities, and we have to find a way to deal with it. The problem, though, as you recognize, is that it was inserted for a pragmatic purpose. I'm wondering if we really need to get into the debate about what rights are going to be guaranteed as minimum national standards. It may perhaps be necessary for us to address that issue again if we're to remove the notwithstanding clause.

MR. TRENCHARD: Well, certainly we do face a practical problem even beyond that. Of course, the very process for amending the Constitution is in itself problematic, and before one can even talk about potential reform or repeal of a section of it like this, we really need to address a very basic question of how the Constitution can be amended. I chose not to address that particular thing. I feel the Constitution is gravely problematic in that respect as well. That really is more of a functional and practical problem we face within the Constitution that I think needs to be addressed from the very beginning.

I couldn't see who was speaking when I was in the back, but I heard one of you make reference to the Alberta Act, which is very similar in guaranteeing these freedoms and rights. It seems to me that part of nation building and part of the definition of a nation is to consolidate around a set of basic guarantees of life and liberty for all citizens that go throughout the fabric of the entire society. If we as a nation with all the facets we represent must come together to redefine ourselves and set down anew what those rights and freedoms are, fine, but let's do so with the kind of appropriate potential for the guarantees the Charter seems to apply. The notwithstanding clause I think nullifies all of that.

MR. CHUMIR: Thank you. Just a moment ago you said the essence of nationhood is that we should consolidate around some common standards which identify us. I'm wondering whether you subscribe to that principle in terms of the role for the federal government in establishing minimum standards in areas of medicare and some social programs, or whether you think those are not the types of things for which there is any need for commonality.

2:30

MR. TRENCHARD: Well, I think I am more concerned with what are typically and traditionally associated with basic liberties rather than certain kinds of economic and way-of-life matters. I think there's certainly a reasonable place for provinces and individual jurisdictions to play in defining standards. It is not inappropriate for the BNA, for example, to have ascribed to the provinces certain rights with regard to education, for example. So in talking about some commonality within the nation, I certainly don't subscribe to the fact that there should be uniformity in all aspects of life.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Warren, I appreciate the thoughtful evaluation of section 33. In the discussion we've had on it so far, Mr. Chivers talked about the Alberta Bill of Rights and the Charter of Rights. The one fundamental difference between the two, of course, is that one is exclusively interpreted by the courts and then not changeable except by an amending formula, the difficulty of which you've already alluded to. The Alberta Bill of Rights is changeable by an Act of the Legislature, which is never easy but infinitely simpler than the changes required through our amending formula. Do you have any concern at all about the power that's given to a court to interpret, an appointed group of individuals who are not changeable, versus the authority of a Parliament? I guess that's the difference between an Alberta Bill of Rights or, for that matter, a national Bill of Rights versus entrenchment in the Constitution. One is changeable by the politicians and, therefore, by the influence of the public; one is not.

My recollection of the notwithstanding clause and its inclusion was that the primary purpose was because of the lack of clarity with regards to the wording. Those who were around the table at that time of constitutional discussion – and I was at least on the edge of the table – were very concerned that the wording wouldn't be what was intended by the people at the time, and the notwithstanding clause was there as a way of clarifying that or its effect on a region should that wording happen because of its being pushed to the court.

I've thrown a lot in there, but, essentially, is there any concern on your part with the courts having that kind of control? Would you, for example, consider having a national Bill of Rights as opposed to inclusion in the Constitution, which would be changeable? It might not have a notwithstanding clause, might not require it for that reason.

MR. TRENCHARD: Well, earlier I briefly addressed the issue of the relationship of the courts to legislative bodies, and of course that gets right at the heart of political theory and how one understands the valuation of elected officials versus people who are appointed by elected officials. There is certainly a step removed. There are those and of course a school of thought that would suggest that removing the judiciary from the elected process allows them to function in a more statesmanlike fashion when faced with matters of interpreting the Constitution and in a de facto way affecting law in that sense. So I'm not so sure the issue is entirely clear. It depends on how one approaches this. Either may be corrupted; either is corruptible. Either can be influenced. So I'm not so sure that we are better off with one as opposed to the other. So I find this particular argument in favour of retaining the notwithstanding clause, the argument that was used in its original inception, not to be that significant. I think it essentially can be argued quite plausibly in either direction.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Warren.

Our next presenter is Dick Randall of the Alberta Freedom League. Welcome. With Dick is Jim Hainsworth. Welcome to you, Jim.

MR. RANDALL: Thank you, Mr. Chairman. On behalf of our group, I would like to say it's a pleasure to be here. This brief was also presented to the Spicer commission, and our group feels that most of the points in it apply to a provincial jurisdiction as well as federal. I'll just read the brief.

This brief is a result of meetings and discussions over a period of several years by the Alberta Freedom League, which is a group of concerned grass-roots citizens. We wish to stress that our group is responsible for our own financing. All travel expenses, meetings, supplies, typing, copying, and postage are defrayed by those attending our meetings. The contents of this brief are entirely the contribution of ordinary citizens. No government, no politician, no bureaucrat has contributed financially or otherwise to the comments in this brief.

Our group has observed the deterioration of our country's political and constitutional health over the past 25 or 30 years and has resolved to do something about the situation. Beginning with the flag debate, which forced an unpopular national symbol on the citizens of this country, and continuing with bilingualism, biculturalism, metric conversion, multiculturalism, Meech Lake, and recently GST, we have a long list of unpopular legislation forced on an unwilling population by an elected body which has disregarded the wishes of its constituents.

The government has devised methods of doubtful legality in attaining its desired goal. One example was the stacking of the Senate to pass the GST. If our government had done the honourable thing and let the elected members represent the views of the electorate, the GST Bill would never have passed the House of Commons and stacking the Senate with this added expense to taxpayers would not have been necessary. As a result of these immoral, underhanded methods of passing laws, the reputation of elected members has deteriorated to the point where people have become so cynical towards politicians that no one is so mistrusted, so contemptible, so abhorrent in the minds of Canadian citizens as is the politician. A spirit of apathy, disillusionment, and hopelessness is engulfing all Canadians as a result of the attitudes of elected representatives and bureaucrats toward the Canadian public.

The average Canadian feels he has no input or say respecting policies on any vital issues facing our country. We are merely told to dutifully pay our taxes while all political parties support the same policies, which result in ever increasing public debt and ever increasing taxation to pay the interest on that debt. The future of our country is too important to be left in the hands of a few politically motivated individuals who have no interest in the future beyond getting re-elected and keeping their front feet firmly planted in the public trough. Canadians are rapidly losing the spirit of personal responsibility, initiative, honour, and faith which was so evident in the pioneers who built this country. It is our desire to restore this lost sense of responsibility, initiative, honour, and faith to the people. We wish to have a country where people have a sense of participation in the Constitution and policies, where everyone can have input in the laws that govern our day-to-day living. We want a country where the word "Canada" means all of us, not just Ontario and Quebec.

2:40

At this point, we should perhaps make our stand clear on the Quebec problem. If the people of Quebec have no desire to remain a part of Canada on the same basis as other provinces with no special privileges, it should certainly go its own way. One province must not be allowed to dictate language or any other policy for the whole country. If Quebec does not shape up or contribute its financial share to the federal government and thereby benefit all Canadians, it should be asked to leave Confederation.

To restore the confidence of the people in our country, our elected representatives, and bureaucrats, we advocate the following points.

One. The Constitution of Canada is to include a system of citizen initiative, referendum, and recall, whereby legislation can be introduced into Parliament accompanied by a petition containing the signatures of 3 percent of the electorate. A referendum will be held on all proposed legislation if a petition supported by 3 percent of the electorate requests it. Results of a referendum will be binding on the government. If an elected representative does not perform to the satisfaction of his constituents, they can force his recall by a petition signed by 3 percent of the constituents in his riding. This action would result in a by-election at which time the recalled representative can allow his name to stand if he so wishes. If this system is instituted in our Constitution, it will take care of many of our problems. In a true democracy people accept responsibility for the operation of government. What is perceived as complacency among today's citizens is a result of the feeling of hopelessness under prevailing political rules. When an MP chooses to bow to the wishes of a party leader and ignore the wishes of his constituents, there is nothing that can be done by the electorate at the present time. The introduction of this system into the Constitution would improve public morale and restore faith in democracy.

Two. Elected representatives will not be allowed to serve more than two terms in government. At the end of a second term the representative will step down for at least one term before allowing his name to stand for nomination. We feel that this will give the representative an opportunity to step back from the dream world of government and observe the results of legislation which he helped enact during his two terms and its effect on his fellow citizens.

Three. An elected representative will not receive a pension at government expense. Our representatives are well paid and capable of providing their own private pension plan if they so desire. There is no reason why they should be treated differently from any other citizen.

Four. Every party member has a vote and leadership choice. No leadership conventions and no delegates. This prevents a delegate from being swayed by high-pressure tactics at a convention. It also prevents the hijacking of a convention by certain groups.

Five. An elected member shall not resign or vacate his seat in favour of the leader without the consent of his or her constituents. We emphasize this resolution so that elected members will realize that a seat in Parliament or a Legislature does not belong to them to do with as he or she pleases; this seat belongs to the people of the riding, and any change in their wishes must first be approved by the electorate.

Six. Senators and judges must be democratically elected by the people. There will be no appointments. This will eliminate patronage on the part of the leader. Our group feels that people will elect judges and Senators with desirable ethical and moral standards. Government leaders are inclined to appoint party hacks, some of whom have no desirable traits.

Seven. We favour a triple E Senate with equal representation for each province.

Eight. An elected government will serve a fixed term. The elections will be held regularly on a preset date.

Nine. An MP will not be paid extra to serve on a House committee. If committees are necessary to accomplish that job, it will be considered part of the day's work and covered by regular pay.

Ten. The budget must be balanced annually. Governments expect citizens to be financially responsible. We feel it is the taxpayers' right to expect government to live within the same guidelines. The benefits are obvious.

Eleven. Legality shall be synonymous with morality. A law cannot be legally right if it is morally lacking.

Twelve. There shall be one official language for the country. That language will be English. More than one official language causes division in a country. It also adds to the cost of governing and produces no benefits.

Thirteen. The Charter of Rights and Freedoms will be repealed and the country returned to British common law.

Fourteen. Strict quotas will be placed on certain people immigrating to Canada who do not assimilate well into our society because of religion or culture. Immigration quotas will be based on the ethnic makeup of our population as it was in 1960. We do not agree that our laws and customs should be changed to accommodate a minority group. After all, these people asked to come here; we did not invite them. We will not tolerate such things as turbans in the RCMP, kirpans in our schools, the boycott of our national anthem, and the abolition in the Lord's prayer at the start of the school day.

Fifteen. Patronage in any form will not be tolerated.

Now, Mr. Chairman, you make think that we've been pretty hard on the politicians in this, but over the years our group has noticed that there was more apathy in our country, and I believe this is changing to anger. If this anger is not recognized and something done to improve the situation, it may develop into something even worse, perhaps even anarchy as they have in India today.

We put considerable thought into this, and we've done quite a lot of work on it, and I thank you for the opportunity to present it.

MR. DEPUTY CHAIRMAN: Thank you very much, Dick. Did Jim have anything to supplement the brief with?

MR. HAINSWORTH: No.

MR. DEPUTY CHAIRMAN: All right. Just before calling on John McInnis, I think the Chair should point out that a couple of your points – one has been anticipated by the Alberta PC Party, at least, which amended its Constitution earlier this year to provide for the direct election of a leader with no convention or delegates.

MR. RANDALL: That's welcome news.

MR. DEPUTY CHAIRMAN: Yes, and Stockwell Day has a motion before the Legislature to establish fixed dates for elections so that there would be no undue pressure for people to vote for something with a view to bringing the government down.

MR. RANDALL: That's good.

MR. DEPUTY CHAIRMAN: John McInnis.

MR. McINNIS: Well, Dick and Jim, the brief is certainly plainly spoken. It's very much to the point. We have very little difficulty understanding what you're driving at.

There's one area I wanted to question you about. Like the others at the table, at one point in my life, in my case only two years ago, I decided, rather than simply talking about things, to jump into an election campaign, and for good or ill I managed to get elected, which sort of put me in the politician category all of a sudden. In your brief you referred to politicians as people "who have no interest in the future beyond getting re-elected and keeping their front feet firmly planted in the public trough," but then a little later on you made the case for electing judges and Senators, and at that point you said that "people will elect judges and Senators with desirable ethical and moral standards." I'm having a little trouble reconciling these two points of view. Why is it that when you elect the people whom you call "politicians," you get a bunch of lazy fat cats who want to keep their feet in the trough, but when you start electing Senators and judges, all of a sudden you've got these people with high ethical standards because they go through an election process? Could you maybe reconcile those two views for me?

2:50

MR. RANDALL: Well, I suppose that's considered a good point all right. We certainly have seen where people that have been appointed have very low standards or none at all. I'm thinking now of some of the men that were appointed to the Senate in this last fiasco, where they had to pad the Senate to get the GST through. I think we have at least one Senator who's under surveillance by the RCMP. I don't know how you can improve upon that except by electing them.

Now, as far as politicians are concerned, I've noticed in my years here that politicians when they're first elected are right in there and they've got the solutions for everything, but as time goes on, it seems like their own benefits seem to take preference over the good of the country. I don't think that's right.

MR. McINNIS: I certainly agree with you. I guess what you're saying is that at least when you elect people, you have the chance to unelect them or throw them out the next time around.

MR. RANDALL: That is right, except it's too far between elections.

MR. McINNIS: As a matter of fact, when you're in opposition, it certainly seems that way.

MR. HAINSWORTH: I think it's just a matter that it's better than the appointment. I think that's where the conflict is. Election would be better. We don't say it's perfect, but it would be better.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Mr. Randall and Mr. Hainsworth. You are proposing that English become the one official language of Canada, and I wonder if you're prepared to make any concessions to Quebec. In other words, do you have a problem with Quebeckers speaking French within their own province?

MR. RANDALL: No. I don't think our group would have any problem with Quebeckers speaking French within their own province or with French people in the other provinces speaking French in their own homes. I just can't see where we should have two official languages, which doubles the printing of every government Bill or every piece of paper that comes out of Ottawa. That printing is expensive, we can't afford it, and it doesn't do the country any good. It just causes divisiveness in the country.

MS BETKOWSKI: So really it's official bilingualism as a federal policy that concerns you more than the use of the language within the province of Quebec.

MR. RANDALL: That is correct.

MR. HAINSWORTH: Correct.

MR. RANDALL: I've been in the services with many different nationalities who spoke different languages. I've found good and bad in all of them, mostly good. I have friends among the French Canadians. I served with the Rhodesians, the South Africans, the English, the Americans. As far as their own language is concerned, that's their business, but when it becomes government policy, that's our business.

MS BETKOWSKI: Thank you, sir.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Thanks, Mr. Chairman. To Dick or to Jim, just some clarification on how you would do a couple of these things that are in your suggestions.

No resigning a seat for a leader without your constituents' approval. It's been fairly prevalent in the last few years that leaders of political parties have lost seats even when their party has won. They take most of the brunt of the opposition and media attack, so they're out there. It happened with Premier Getty. It happened with Premier Bourassa. It happened with Clyde Wells, who lost his seat and had to get someone to resign. What process are you suggesting, then, for a leader to take if he's defeated but somebody wants to give up their seat for him? Would it be a referendum in that particular constituency? What are you suggesting there? How do you find out if the constituents approve?

MR. HAINSWORTH: I think there'd have to be another election to find out whether the people agree.

MR. DAY: That is, in fact, what happens now: the leader runs somewhere else.

MR. RANDALL: I would like to see a referendum among the people to see whether they're agreeable to giving up their present member in favour of maybe getting somebody else.

MR. DAY: Okay. So a referendum, and then if they agree . . .

MR. RANDALL: That's right.

MR. DAY: The thing of recall, which in principle I don't really have a problem with, but you're suggesting you get 3 percent of the eligible voters. I'm just thinking to myself that in the last election here, for instance, about 10 percent of the eligible voters voted for the NDP candidate and not for me. I mean, I can live with that. That's fine. But I'm thinking that if you only want 3 percent, then, to sign a piece of paper that I get recalled, I'm sure a candidate not winning could run out and get a few of the people who voted for him to sign. I'm just wondering: is 3 percent practical to get somebody yanked? I think it would be pretty easy.

MR. RANDALL: The experience we've had with getting petitions and that type of work: it takes quite a bit of work to get 3 percent of the electorate. If the fellow that's in the seat is doing a good job, I would feel that people regardless of their political persuasion would be willing to give him an opportunity. I think it's up to that individual to prove that that seat is his and the people are satisfied.

MR. DAY: Yeah, I agree with that. I think you'd very rarely find the absolute best MLA or MP getting a 97 percent approval rating. Anyway, I just wondered if you were really firm on the 3 percent, and it appears you are.

MR. HAINSWORTH: Well, I'm not sure as to whether 3 percent is right, but we had to come up with something.

MR. DAY: Sure. I don't have a problem with the principle. I just wondered about the 3 percent.

MR. HAINSWORTH: Yeah. It's the principle, and I don't think we'd argue too much against a little different percentage.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, gentlemen. We appreciate your participation.

MR. RANDALL: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is David J. Baugh. I invite David to come forward.

Welcome David.

MS BETKOWSKI: You should take Mr. Randall's sign down so we don't call you Dick.

MR. BAUGH: Thank you for the opportunity to speak to your commission. You've already received a submission, and I will elaborate the two main points I raised. One, the French/English relations problem, especially some thoughts on the sign law dispute, which has already been mentioned by a previous speaker. The second thing I would like to address is Senate reform.

On the sign law controversy, I'd like to first speak out for bilingualism. I don't think it's succeeded in this country yet, nor do I think it has failed. I think we're in an intermediate stage, and like most things in this country, whether it's bringing home our amending formula, it has taken time. We haven't beaten the drum and unfurled the flag and indulged in a lot of wild rhetoric; we've simply settled down to get the job done. I think if we look carefully at bilingualism, the need for it and what has been accomplished already, we can perhaps see a solution to this sign law dispute, which has really divided Canadians and has contributed to the souring, the defeat of Meech Lake, the rise of separatism. I think a lot of it goes back to that sign law controversy. I think it is solvable without extreme solutions on either side, and I think it can be fitted into the Canadian tradition of progress and moderation.

First, why I think Canada should be bilingual. Look at some of the models of other countries. Let's take Switzerland. Since 1848 it has had three official languages, and in 1938 it got a fourth. Switzerland is 75 percent German, 20 percent French, and 4 percent Italian. Twenty percent French, and it's been officially bilingual since 1848. Canada is 25 percent French, and we have been officially bilingual in our Parliament and courts since 1867. Three provinces are now officially bilingual in their Legislatures and courts. If you look at Finland, 83 percent are Finnish, 8 percent are Swedish, and only 9 percent are bilingual.

3:00

I think we can see some conclusions from this. Bilingualism in Canada is modeled on the same type of system as these other peaceful, honoured countries. One, it's bilingual in the government services where numbers warrant: a French speaker, a Swedish speaker, or an Italian speaker can get service in their language from their government. But there's territorial unilingualism. Of the 25 cantons in Switzerland, 21 are unilingual. So the conclusion is: you could be a good Swiss for the last 150 years and you only had to speak one language; your government would serve you in your language where numbers warrant. The same to be a good Fin. So in Canada bilingualism doesn't mean that everyone has to learn French. It simply means that where numbers warrant, you deserve service from your government in the language of your choice. There are about 600,000 to 700,000 Anglophones in Quebec, there are about a million Francophones outside Quebec, and there are 1.3 million Canadians who are bilingual. So this is a little bit of background about what bilingualism is and what it isn't and why we need it.

Now, the sign law problem. I think this goes all the way back to 1982, when the Charter was inaugurated and Quebec didn't sign. If we can crack this nut, I think we've got a long period of pretty easy sailing ahead of us as an advanced and progressive country. The bottom line is this: Quebec has to be able to be as French as Ontario is English. Ontario has about 500,000 Francophones and Quebec about 600,000 Anglophones. In the 1970s French was in danger of disappearing in Quebec, particularly in Montreal. He almost lost it. So they passed Bill 101 in 1977. Since then there has been a real comeback for the French language, and it's no longer as weak and as threatened as it was in the 1970s.

Well, Bill 178 was put in in December of 1988, after the Supreme Court struck down the old sign law. I would like to say a few good things about Bill 178. I don't think it's perfect; I think it should be changed. But I think there's a need for some understanding of Quebec's position out here in the west. There's a real fear in Quebec that bilingualism is a Trojan horse, that everything has to appear 50-50. Now, Quebec is 85 percent French, but they're a real minority in North America in a sea of English. They're already at a disadvantage. If that 85 percent has to appear to be only 50 percent, they will be swamped; they will disappear. I think what was missing in 1982 and why Quebec didn't sign, with some justification, was that there was no provision in the Constitution for Quebec, when it's down on its back and the French language is threatened, to help it get off the floor. Right now it's overriding the Charter; it's using the notwithstanding clause. I think this is a deficiency in our Charter.

What I would like to see – I think it could solve the problem – is an affirmative action clause for the French language. We already have affirmative action clauses for mobility rights, section 6, Newfoundland-first hiring policies on the offshore oil, Hibernia, because their unemployment level is higher than the national average. We can do it for Newfoundland. Under section 15 of the Charter we say that there should be affirmative action for the disabled, women, and visible minorities so that they can join the Canadian mainstream. This doesn't mean that anyone gets a blank ticket; you get to work in the offshore of Newfoundland. You have to be able to hold down the job, the same as for the disabled, women, and visible minorities. But where two candidates are of equal quality, you lean towards the one who has historically been excluded. So for these two cases in the Charter we do allow someone to pick themselves up and join the mainstream and be as strong as everybody else. In the case of Quebec we don't have this, so they had to violate the Constitution. Now they have to use the notwithstanding clause, and I think this is inexcusable.

If we think there is a need for bilingualism in this country – and I've made an argument for it – it's inexcusable that Quebec would either have to separate or override the Charter of Rights in order to preserve the French face of the province. An affirmative action clause would be very different from using the notwithstanding. That eliminates the judiciary entirely. An affirmative action clause is reviewable by the judges of the Supreme Court, and nothing too extreme could be rammed down. It would protect the English minority, and it would only be usable when there is a real need for the French to have affirmative action. I think that this no longer exists. That law could be rolled back. If we made Quebec appear not as a minority that we're out to get and we're using bilingualism to make them disappear, in effect, in competition between two unequal partners, then I think Quebec would reform Bill 178. I think if we crack that one, give them an affirmative action, judicially reviewable, it should go in section 59 of the Charter. This is a proclamation. There's supposed to be a proclamation under section 59 that would allow Quebec to opt in under 23(1)(a), minority language education rights. At this point they have not done so; they have not given as broad an implementation of minority language rights as other provinces. That's in danger of being inoperative. I think we should put in two affirmative action clauses: 59(a) would allow them to opt back into 23(1)(b) if they need to.

Let me just explain these numbers: 23(1)(a) says that you have a right to education in the French or English language if the first language spoken by the parent is French or English; 23(1)(b), which applies to Quebec, is only if your parent learned that in Canada, so immigrants are forced to assimilate to French even after they become citizens. We should give Quebec flexibility there, but I think the most important for the sign law dispute is a new 59(b), which would give any province an affirmative action capability for any official language that is in danger and make that available only to the provinces. Then it wouldn't be the case that the federal government would go in and beat up on Quebec. They would fear that in any case. So I think 59(b) would settle the sign law problem if it's provincial affirmative action for any threatened official language, and the courts would have to review this.

3:10

Okay, I'll wrap up on Senate reform. I'll just make a very few brief comments on that. I think this enormous decentralization that Quebec is pushing for and abolition of the Senate – Alberta wants triple E – is a result of the defeat of Meech Lake and the inadequacies of the Charter in its present form. I think if we solve that problem, we'll see Quebec far more interested in Senate reform. But I think Joe Clark is right. Previously he said that Alberta can take some satisfaction in keeping Senate reform on the national agenda but that we need a broader debate, and triple E may not be the Senate for Canada. I would agree with that. I think there are some enormous problems with triple E, but congratulations to Alberta for waking Canada up on that anyway.

One of the problems: past the midway of this century the provinces and municipalities now spend far more than the federal government. A Senate that just reviewed what Ottawa does would ignore where the real power has shifted, to the provinces. I think we need a Senate that co-ordinates the two levels of government and particularly co-ordinates the provinces. This is what the German senate, the Bundesrat, does. I don't think it's perfect for Canada, but I think we need an intergovernmental Senate simply because we are already so decentralized. I don't think we should rush into Senate reform at this point. I don't think we have time. What I would propose that Alberta consider is to co-ordinate those powers that obviously overlap already and which an intergovernmental Senate that got rid of waste and duplication and simplified government would manage after a constitutional amendment. Try it first just through political accommodation and see if we can make it happen.

I would say there are four areas. Industrial support and economic diversification: Alberta is calling for this to be exclusively provincial. I would disagree. I think it should be jointly managed. Allaire is also calling for exclusively provincial. The second area is training and adjustment, particularly in the area of free trade. If it comes with Mexico, we will need restructuring and we'll have to get our act together as a country, as will the other countries that we'll be competing with. Third, science and technology and research and development should be intergovernmental. There's nothing stopping Alberta and the other provinces and Ottawa better managing that area together. And the fourth is tax policy. Those are the four things.

I think I've probably gone on just about long enough, so I'd better stop there.

MR. DEPUTY CHAIRMAN: As a matter of fact, David, you had a very interesting analysis of the situation. It did go over the time, but Barrie would very much like to ask a very short question, and the Chair will allow that.

MR. CHIVERS: Thank you, Mr. Chairman, and thank you, David, for your thoughtful and thought-provoking comments. I'm concerned, however, because I think you're missing one part of the debate that's been going on here today, and that is: is there an acceptance amongst Canadians that there should be two languages? That's the message that I've been getting from this crowd, much more so than anywhere else in Alberta. The message seems to have been that the people that are presenting here – and I think we all have to remember that this isn't all the people – don't accept the concept of two official languages. I can understand your solution. It's a very creative solution if you get it past that point, but how do we get it past that point?

How do we come to some determination that there should be two official languages?

MR. BAUGH: I would submit that until the sign law problem erupted in December of '88, bilingualism was moving along quite well. In fact, there are 280,000 Anglophone children in French immersion right now, and all the opinion polls out here up until the sign law controversy were running in the 60 to 70 percent range with people supporting bilingualism. So I recognize the rejection of it, but I think it has to do with this hole we've fallen into, and I think we have to crawl out of it.

MR. CHIVERS: Thank you.

MR. McINNIS: May I have a quick one?

MR. DEPUTY CHAIRMAN: Well . . .

MR. McINNIS: This will be very, very quick. You mentioned the Swiss canton system, where they're multilingual but it's territorially based. Do you think that's the kind of model that we might work toward in Canada if we look at bilingualism in a territorial way rather than something that spreads across the country, both languages?

MR. BAUGH: The model that we were looking at, particularly Finland, was 10 percent. If there were enough French in the north, say around St. Paul or Bonnyville, you would put a school there. That's the same as the Swiss. Otherwise, if it's German and they're unilingual, they can get service in German from their government. Where they're unilingual French around Geneva, Genève, they can get service in French, and they don't have to know the other language.

MR. McINNIS: And you think that model might work in Canada?

MR. BAUGH: That was what we started out with in 1969 with the Official Languages Act, but unfortunately there's an enormous amount of misunderstanding about our policy.

MR. McINNIS: No question about it.

MR. DEPUTY CHAIRMAN: Thank you very much, David.

Our next presenter is Eleanor Kelly. Eleanor, come to the table, please. Welcome, Eleanor.

MRS. KELLY: Let's party – political, of course. Well, that kind of wakes us up a little, doesn't it?

MS BETKOWSKI: You've got our attention.

MRS. KELLY: Good. Something that also got my attention. I was looking at the *Calgary Herald* one day when I first heard about this group, and I thought: "No, I'm not going to get involved, not at all. I'm so sick of that federal government." Then I read this, and the blood pressure went up. I thought, "Well, there's one way to get rid of it, and that's to contact someone." Harvie Andre is quoted as saying that there's strong support in the west for an elected Senate that has effective power in Parliament representing all provinces, and ministers warned that Quebec and Ontario are not likely to accept this change. I don't understand why they can't accept it. If you had the same number from each province who were elected, then you'd still have all your MPs, who are representing the numbers of people in the province. He also went on to say that they realized there was a need for change but that they would probably go to the 1978 Task Force on Canadian Unity that Prime Minister Trudeau suggested. To me, that's just totally unacceptable.

Anyway, to march on. To me, democracy means representation of the people, me being one of the people. I looked it up in *Webster's* dictionary, and this is what it says:

> (a) government by the people; rule of the majority
>
> (b) a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation . . . involving periodically held . . . elections.

And I like that. That's my form of democracy, not what we are experiencing today.

3:20

I would like to say something on the triple E Senate. All provinces should be equal, and there should be no province – not Quebec, not any – who has any privileges that are not awarded to even the smallest of the provinces. There should be positively no appointed governing bodies, no more patronage appointments allowed like the eight Senators who were brought in to meet us like a little boy saying, "By damn, I'm going to get my way, so I'm going to bring in the other kids to help me fight." In this case the taxpayer is paying for the eight extra fighters, and I don't think it's right. There should be no special concessions to any one province. What Quebec has we should all demand to have.

I would also like to say something on the Prime Minister, and I think in a way it kind of dovetails with what the gentleman who was before me was talking about. My idea is that the most qualified man be chosen by the party to be the Prime Minister of Canada, and then I would like to see every person in Canada have a vote on that person. I mean, it just seems like the only fair and equitable thing to have happen.

There should also be a date to hold elections, and I think someone said that this was going to happen.

MR. DEPUTY CHAIRMAN: I don't think it's necessarily going to happen. It's before our Legislature now in the form of a motion by Stockwell Day. It will be debated, but that doesn't prejudge the result.

MRS. KELLY: Okay. Well, if we are a democracy, then that should really happen, shouldn't it? Or we'd like to think of it.

MR. DAY: I agree.

MRS. KELLY: You agree. That's great.

I don't think there should be any more election dates chosen by any Prime Minister regardless of what political party he might be representing.

Then in sending MPs to Ottawa, I think they should be free to vote their conscience and also the feelings of the people they represent. Our riding is Wild Rose, and Louise Feltham is our MP to Ottawa, a very lovely lady who I believe declined to vote on the GST because she realized her constituents didn't go along with it. I think it's terribly wrong. Even if groups of people meet in caucus and decide, there are still going to be some who are of the same opinion still, and they shouldn't be forced to vote because that's what the party says. I think freedom of decision is an important thing in government, and I don't think anyone should ever be thrown out of a party for voting against what their group is saying. Of course, you realize I'm talking about Kindy and Kilgour. That's totally unacceptable to me. If they want to be chastised, well, then that's a whole different thing.

Bilingualism. I think every Canadian should have the right to carry on his business, his social life, his fraternal life, his religious activities with no government interference. The schools should offer a choice of language, but language should not be dictated to the people by the government. My husband was educated in the United States. He chose to take Latin, and I assure you that Latin, even though it's a dead language, has been much more useful to him than French ever would be just in learning new words. I think legislated and enforced bilingualism creates an artificial need for French. You know, when you really think about it, dear people, English is by far the most universal language. We had a schoolteacher friend who visited China, and in China they're learning English. I said, "Betty, how did you manage with the language barrier when you got to China?" She said: "I didn't have a problem. People were almost fighting over me because they wanted to practise their English." When my husband was flying, he went to France, and they were able to bring him into the airport with English. Almost any country you go to they are speaking English, and it's very distressing to me to see people held in a certain job position because they're not bilingual. You know, this is not a fair thing.

Now, the gentleman ahead of me was quoting Mr. Bourassa, and I would like to read you one of his little quotes. Gord Hunter's column One Man's Opinion which appeared in the *Times-Colonist*, March 9, 1990, pinpoints Canada's double standard. When questioned in the Quebec Legislature about Bill 178, that infamous sign law, Premier Robert Bourassa replied, and I quote: I am the first Premier of Quebec to suspend the civil rights of the English-speaking population. Now, you may call me prejudiced, you may call me a redneck, you may call me a lot of things, but I don't see him as a patriot. To me that's a very inflammatory remark. The removal of English-speaking rights in Quebec are forcing the French language on the rest of Canada. Civil service promotions are now dependent on the applicant being bilingual even in areas where French factors hover around the 1 percent figure.

I know that you are familiar with Mike Duffy, who said February 17, 1991: harking back to the French power argument, Mulroney cannot avoid opening old wounds in English-speaking Canada; the resentment stirred by official bilingualism doesn't just reflect the views of bigots; there are many people in the military, the RCMP, Crown corporations, federal public services who have seen French power up close; some have had careers stalled because they were not bilingual. I feel that if the government has to step in and protect any one language from being, you know, merged into the melting pot, if that language is so fragile that it can't stand on its own, then it should be swallowed up. You know, let them keep their French as long as they want, but eventually if the government will just butt out, there will be quite a change I really believe. As was mentioned before, I'm sure the cost of bilingualism is probably staggering.

I feel that the federal government shouldn't give privileges to any one province. We should have three branches of government: one to make laws, then the MPs in the House of Commons, and our Senate. All persons must be equal before the law: rich, poor, educated, uneducated, the mentally handicapped, everyone. The federal law should be a government for the people: one, should not be self-serving; two, should be accountable to taxpayers for their expenditures; and three, freedom of information to every Canadian citizen. Once again, sensitive information would not be made available.

3:30

Multiculturalism. My feeling on that is that it would be nice if we could be a melting pot, more like the United States. We've seen people who fight it, you know. It's unfortunate. I would like to see no more federal or provincial grants to keep these groups for heritage and multiculturalism alive. If they want their groups, I think that's wonderful, but I think they should be self-supporting. They can have bake sales, they can have fund-raising drives, but let them support themselves, not take it out of taxpayers' money.

I like to think of my grandmother, who came from Denmark to the Canadian prairies, the Alberta prairies, as a young bride of 18 in 1901. She loved this country with a passion. It was the most wonderful place in the world. She said, "I'm a Canadian; I'm not going to speak Danish anymore." That little lady taught herself to read and write English, and by the time my mother was born, there was no Danish in that house anymore. My mother couldn't speak Danish; the older children could. I think that's being a Canadian: where we want to be a part of the country that we are coming to.

We should be Canadian first and foremost from our ethnic backgrounds. We should support our own clubs and organizations, and all immigrants to Canada should be encouraged to be Canadian first. This country provides their livelihood, their education, their social life. It gives them religious freedom, freedom of speech, freedom to travel, freedom to do everything. Is it too much to ask that these people who come to our country as immigrants show some loyalty, some patriotism to the country that they are adopting and that has embraced them?

I think the Americans can show us a thing or two about being patriotic. We have a flagpole at home, and when my husband runs the flag up – and it's an Alberta flag – and brings it down, he never wads it up; he folds it exactly the way he would fold an American flag, like they do in the service. He shows just as much respect to our Canadian flag, to our Alberta flag. I just need to tell you that it is very painful to me to see the Canadian people in general just being so totally apathetic, so lacking in patriotism for this wonderful country that we have. I don't know how you teach people patriotism, but when I went to school, we sang *O Canada*, we sang *God Save the Queen*, we sang *The Maple Leaf Forever*, and we put our hands on our hearts. None of this happens in schools today. When people are singing *O Canada*, they're squirming around, itching, and doing all kinds of things. There's not a true respect.

I could go on and talk about a lot of other things, but I'm not going to. Aren't you glad?

MR. DEPUTY CHAIRMAN: We wouldn't say we're glad, Eleanor, but we have really gone over the allotted time already.

MRS. KELLY: Oh, I'm sorry.

MR. DEPUTY CHAIRMAN: No, that's fine. We appreciate the sincerity of your presentation, but the Chair is not going to try to dig for questioners, because we have gone over.

MRS. KELLY: Fine. Thank you so much.

MR. DEPUTY CHAIRMAN: The next presenter is Dorothy Clancy.

Welcome, Dorothy.

MRS. CLANCY: First of all, I want to say thank you to the members of the Legislature for the opportunity and for conducting this survey and also for the round table conference in November. I thought that was very useful because we don't hear about people like Dr. Stephen Scott of McGill or Andrew Bear Robe in the papers. The paper is a very poor way to get educated: you know, they pick out a little bit. People are simply criticizing the government for this and saying: "What's their motive? What are they doing?" I just wonder who those people think would speak up for Albertans. Now, if it's Ottawa, they haven't done it in 125 years, so I think we'd better have the Alberta government speaking up for us until we get a little better system going in Ottawa.

Now, the next thing is changing the Constitution. We seem to be in a big flap about the Constitution. Changing constitutions from time to time is just normal. Even having one province in a country the size of Canada leaving and becoming a country is nothing. You'd think the country was going to fall apart. Why ever should it? It's one of the biggest countries in the world. One province leaves. I'll give you a couple of little examples. We added Newfoundland, and we lose Quebec. Nothing's happened here. You see Iceland, very tiny, 250,000 people now, left Denmark. As far as I've ever heard, it's a successful country. Certainly nothing happened to Denmark. I mean, Denmark didn't disintegrate. So that's the situation there.

I think Quebec would just be a friendly country with open borders like the United States. They'd be no different than they are today. You know, Ontario was going to build something across the way in Hull for the federal government, and they put down the bricks. Quebec made them pull out the bricks because they were Ontario bricks and it all had to be done in Quebec. So Quebec would probably be friendlier, with more exchange. They wouldn't ignore us, because you could be 100 percent sure they aren't going to ignore the States, so they couldn't very well ignore us, could they? They were the ones that wanted free trade, so they're counting on associating with the Americans.

Now, the other alternative, other than becoming a country, would be to be a separate linguistic area like Switzerland. My experience with both Quebec – and although I'm an Albertan, I'm a McGill graduate, and I worked there in the '50s and have been back since – and also in visiting Switzerland, like last year, is rather different than Mr. David Baugh. He seemed to disappear; I wondered if he was a French immersion teacher and had to get back to his classes or something. I won't spend any time correcting him, but he took things out of context: very, very biased.

French-speaking Quebeckers don't want what he's suggesting. They've said it over and over again. It was Mr. Trudeau that had this idea, but Quebeckers don't. They know the country was formed out of British North America. It was an English-speaking country, and certain rights were granted to Quebec. Those rights granted to Quebec are similar to what the Swiss French area has: using your language in Parliament and in the courts. People that want to speak French, are educated in French, or anything else in French, live in French Switzerland. The other part, 80 percent, is German. The Swiss are noted for their patriotism, and they're going to celebrate their 700th anniversary. So three languages doesn't do any harm provided you keep them separate and have firm rules and stay with them. Mr. Trudeau threw all the rules out and put in his new ones. The Swiss are noted for their patriotism, and a French-speaking Swiss is a Swiss, as Italian and so forth. You didn't hear any of this: "I'm a German-speaking Swiss, or I'm a French-speaking Swiss." They're Swiss. That's their strength.

1:40

Now, the other thing about Switzerland, before we go on, is that they're also sitting beside two large German-speaking countries, one of which, Germany, is at least 10 times their size. Yet they're very successful. You don't hear them talking about a mouse sharing a bed with an elephant. So if we're a mouse, it's just our own doing. No doubt the Swiss take advantage of knowing Germany, and they go have a look at what the Germans are doing or can do or if they're going to be in a war or something and react to their own advantage.

Just before we leave them, I think one thing about our economics here in Canada is that we're seriously overgoverned. If that money were spent developing the country instead of – well, for instance, Switzerland has seven cabinet ministers. A couple of things like education and hospitals – they're little cantons, because they go back 700 years or so, have sovereignty. So I guess they're entrusted to do their own education and their own medicare. Anyway, they have these seven cabinet ministers, one of whom is chosen to be the Prime Minister just for a year. Now, a year doesn't seem very long for the Prime Minister, but with the kind we've had, you know, that's about all we'd want. You can't do much harm in one year. So if we had – well, we'd need a few more than seven.

If we didn't waste all this money on government, we'd have it to develop the country, and we wouldn't be running off to Japan and telling them to take down our trees and do this and do that. We've done it right from the start, but I can see where it could have happened at the beginning. A lot of people were United Empire Loyalists – the Masseys there, for instance – and I guess they thought it was all right to have the Americans come in and do this and that for us, but it's silly now. As I say, the Swiss wouldn't do it for a minute.

Now, with regards to the separate linguistic area for Quebec, there is a point that I think is very important, because northern Quebec was not part of the original territory that was Quebec. The French colony there was actually a very small territory, 65,000 people. So the British really didn't snatch any huge territory. The northern part has been added on since I think 1912 and so forth. So I think this should be given back to the native people, who know how to run it much better than we do. Then this would put a stop to this James Bay. It's terrible for the ecology of the area.

Then the other thing is that the English speaking – and apparently this can be done in a Constitution – should have their own province, because it's never going to work having bilingualism in Quebec. These people came here because it was British North America and have a perfect right to settle where they did because there were no French-speaking people to speak of in Montreal in those days. Their institutions, McGill University – their rights weren't given to them by the province of Quebec, and the province of Quebec has no business taking anything away from them. If we had a proper government in Ottawa not running after the vote in Quebec, they wouldn't be allowed to.

I wish somebody would tell me when I'm going on too long here.

MR. DEPUTY CHAIRMAN: Well, there's six minutes left in your time.

MRS. CLANCY: Well, that's good. I was trying to think: well, how much is two pages, because I'm a teacher, and I'd like at least 40 minutes. The kids sort of fall asleep, and they don't mind either.

Now, as a democratic prairie person – I'm from southern Alberta here – I like the initiative that the Swiss had with the 50,000 citizens. Well, this is demand a referendum on change, but I mean bring forth what it is you want discussed. Say, if 50,000 Albertans – and I think there's a saying about that – aren't apt to be wrong and if we could bring this forth perhaps to the government of Alberta and say, "Look, this is what we want," then the government of Alberta should have the power to say, "Look here; what you're doing, Ottawa, my citizens don't want, and that's that." Just do it the same as Quebec does; just don't sign some of these things. There are all kinds of things in history about Quebec not signing this or that that was passed by Parliament. So we have to have a little more help here from Alberta. I'm all for more help, not less. Things like the GST and some of these other things here, you just say no. Well, Mr. Trudeau's Official Languages Act was just some silly thing he thought up that, as I mentioned, Quebec didn't want either.

The health care system: we had a better one before Mr. Pearson decided all of a sudden to have across-the-country health care. He wasn't supposed to be even messing in it. This was just to get votes for that particular election when he was trying to defeat Mr. Diefenbaker and so forth. Ours was better before. We had MSI and a modest charge for the beds. Now, you'd think with the fuss that's made here that someone was wanting to charge the whole $800 or whatever it is for the bed. Nobody was charged the $800. You were charged something modest that you could pay, and if you couldn't pay it, then you didn't have to. People are always running around, "Oh, this great thing medicare." Well, I didn't ask the Swiss what they had, but I did ask in one of the Scandinavian countries, and they had one about like what we had before, where you paid something for your bed and where you had something like MSI. Finland it was. Finland sounded very sensible to me. They are too.

Now, as a high school teacher and librarian, I'm concerned about the education system here. What Mr. Mulroney was suggesting is kind of some supervision. I think that's all right. It doesn't mean he has to run it, I hope, but have some control over it. You see, what has happened here is that back in the days when people weren't taking quite so much interest in education – they were kind of too busy – they told Mr. Haultain there in the Northwest Territories that roads would do more good. So while this was going on, we somehow picked up the American education system. Well, the Americans do a lot of things good, but education's not their specialty. They didn't pay any more attention to it than we did, but they were writing more books and things. Americans, if they can possibly scrape up the money, send their children to private schools. They don't use that public education system that we bought lock, stock, and barrel from them. If children are going to compete in the whole world, I don't see us ever getting them to really do the kind of work, especially memory work, that the Japanese and those do, but we could try.

One book that I used here is the *Encyclopaedia Britanica* on Switzerland, and another one that I read after making this up was *Inside Outer Canada* by David Kilgour. I thought this was very good. For instance, Mr. Kilgour has available to him in Ottawa, besides clerical help and friends and everything, all the information right there: the parliamentary library and records and everything. So what he has to say about the Canada bank Act of 1871 – you see, imagine still having that. What happened was that it set up branch banking. For people like me, I can go to Toronto and wonder what's that gold-coloured Royal Bank. Why isn't that money being spent lending our money – the banks don't have any personal money; it's ours – spent on the people, on developing the country. Instead of that, you hear that the Royal Bank sent money to Brazil and lost it.

3:50

Now, another thing Mr. Kilgour mentions there is the media. They are centred in Toronto. Senate reform: he's very good on that. I think that's excellent, and Alberta is to be commended for starting Senate reform. These Senates in Australia, the United States, and West Germany most recently didn't just happen overnight, so ours will probably take a little. People always expect these things to happen overnight, but we should be looking at them.

The head offices are all in either Montreal or Toronto. Mr. Kilgour was right about the democracy in government. Now, I know he got in wrong with his caucus, but Mr. Mulroney has no business kicking him out of the party because he was doing what his constituents wanted him to. That's the very reverse of democracy.

This is a very good book: *Inside Outer Canada* by Mr. Kilgour. He has a few of his personal opinions that I don't agree with, but I'm talking about when he's on to facts. He's got them there. He's kind of smart, whatever you think of him, and had lots of help with it. I don't know how many people he had typing it and reviewing it.

Okay?

MR. DEPUTY CHAIRMAN: Thank you very much. This is another situation, Dorothy, where we've gone over our time.

MRS. CLANCY: Well, you didn't warn me. You said I had six minutes. How am I supposed to know what six minutes is?

MR. DEPUTY CHAIRMAN: Well, that was nine minutes ago. Because the Chair has notice of who still wants to participate, I think we're going to have to say thank you very much for an obviously well-thought-out presentation.

MRS. CLANCY: I think Canadians should do more thinking about the country. If I may just waste half a minute here, that's one thing I find about Canadians: they don't stand up and say enough. If you go to university or anywhere, they just sit on their hands, I guess we can say.

MR. DEPUTY CHAIRMAN: Thank you very much.

The final scheduled presenter is Linda Kaiser-Putzenberger. Linda, come forward, please. Welcome. Nice to have you with us.

MRS. KAISER-PUTZENBERGER: This is my first time, so you'll have to bear with me.

MR. DEPUTY CHAIRMAN: It's the first time for many, Linda, so don't feel shy.

MRS. KAISER-PUTZENBERGER: Actually, I don't really like having my back towards the audience. In the future I think it would be more advised if you were on the side so people could view you. I just feel uncomfortable. I'd like to see everybody. I don't know if they feel the same, but whatever.

I'd like to take this opportunity to thank you for the opportunity to make this presentation on behalf of the organized workers in Red Deer and surrounding area. My name is Linda Kaiser-Putzenberger, and I speak to you as a concerned individual citizen as well as being an officer of the United Food and Commercial Workers Union, local 1118, which represents about 500 workers at the Fletcher's and Canada Packers plants here in Red Deer. I am also on the executive council of the Alberta Federation of Labour and, through it, the women's committee of the AFL. The federation is the largest labour centre in this province with 43 affiliated unions and 318 locals and members in every occupation right across Alberta. It is in this capacity that I am proud to present to this committee a copy of the Alberta Federation of Labour policy paper on workers' rights, which will be endorsed today hopefully – it hasn't been brought up by the board yet – by about 500 delegates attending the 35th annual convention held for the first time in 14 years here in Red Deer.

This paper addresses a problem which is basic to our society: the lack of any sort of guarantee or recognition of the rights of workers. In all of the debate and the media hoopla over constitutional issues, nothing is being said about the denial of rights in the world of work. This is a serious omission. In our society employment is the most basic of all economic and social relationships. To a large extent the work that we do defines who we are as individuals as well as the life of our families and our communities. How it is organized largely determines the kind of society we live in. Constitutional guarantees for workers should, therefore, have the highest priority instead of being ignored, as has been the case up to now.

When the Canadian Constitution was finalized in 1982 it was broadened to include a Charter of Rights and Freedoms which was supposed to provide for all the rights necessary to ensure full and equal participation of all Canadians in the life of this country no matter what their occupation or social status. Yet what is immediately obvious to everyone who reads this Charter is that it is almost totally devoid of any of the guarantees which affect people's rights as workers.

The one expressed statement, the fundamental freedom of association, has been declared by the Supreme Court of Canada to be completely hollow. It is a recognized right, said the Supreme Court justices in a landmark Alberta referral case in 1984, but this right doesn't extend to any of its specific objects or means of ensuring them. Meanwhile, unorganized workers are totally ignored.

Then in 1991 the goods and services tax was imposed over the opposition of the vast majority of Canadians. Not only is the GST totally regressive and unfair, not only has it caused inflation, which erodes the buying power of our wages, just as we were warned, but it is now the leading cause of the worst recession affecting our province and country since 1930.

In his seven years in office, Brian Mulroney and his Tory government have done more to destroy this country, to sell it to outside interests than anyone would have thought imaginable. Now they are promoting free trade with Mexico. This will be the final blow for our economy. With unlimited access to cheap Canadian resources combined with unlimited access to cheap Mexican labour, large American conglomerates will make a killing at the expense of Canadian workers. This we contend is the true constitutional crisis facing our country.

Because of the Tory agenda we are facing the largest threat ever to the survival of this country, one that strikes right at the foundation of the kind of decent society for which the labour movement has struggled over the decades. This is a situation which makes the call for the charter of workers' rights so timely. Given the way in which this federal government is turning everything in Canada topsy-turvy, treating everything as expendable, up for sale, it is important that we take steps now to ensure that our most basic rights and freedoms characteristic of a democracy will be enjoyed by all workers both in the workplace and in a larger society.

It is in the spirit of this that I am providing the following policy paper of the Alberta Federation of Labour as a basis for reform of our existing Charter of Rights and Freedoms. Unfortunately recent developments surrounding the constitutional debate have drawn out even more clearly the need for inclusion of a strong statement of the workers' rights in our Charter of Rights and Freedoms.

As these hearings are being held, Canada is being torn apart by a powerful economic interest, specifically the large multinational corporations and the present government of Canada. Brian Mulroney is in the process of disbanding or abolishing one of the most desirable features of Canadian society, particularly the ones that have provided some measure of protection to the Canadian workers. In throwing open our borders to American and now Mexican free trade, he has put everything on the auction block: our network of social services, our UI system, our medical care, and ultimately our standard of living.

Just as the labour movement warned, the free trade deal has resulted in deindustrialization of Canada with incredible job loss. Unemployment has risen as Canadians lost thousands of high paying industrial jobs to low-wage areas in the United States of America. The flow of runaway plants and offices has now quickly grown over to a hemorrhage. According to the CLC estimates, by January 1991 over 700 plants and one quarter of a million Canadian jobs have been lost and many more have been downgraded. We have lost our national advantage and our economic diversity as we have given up our national control over prices and exports of energy resources, minerals, and water to the point where we are unable to restrict exports to the U.S. even when we are running short.

4:00

The pressure to harmonize the whole system of social services like medical care, UIC, child care, and WCB with the much lower American levels has now drawn the outright public support of every business group who originally assured us that this would not happen under free trade. In a series of free trade budgets, Michael Wilson has targeted all the programs which he and his business friends once referred to as a sacred trust. Now, with the latest budget and Bill C-69, they have finally publicly announced their intent to do the unthinkable and disband medical care.

Just as unemployment rates climb to depression levels, Bill C-21, an Act to amend the unemployment insurance Act, has introduced the most savage cuts to our unemployment insurance system since it was founded 50 years ago. Not only have the UI benefits been cut by almost 50 percent, with added penalties for voluntary quits and firings; with the strike of a pen, the federal government has withdrawn all funding from the scheme. It must now be totally self-supported through payroll tax. As well, the unemployed will now have to pay for their own training as UIC is almost totally harmonized with that of the Americans.

Mulroney has likewise wasted little time in implementing his version of tax reform, implementing several of the largest tax grabs from Canadian workers in history while reducing even further the taxes paid by the wealthy and large corporations. Through a combination of changes such as huge increases, flattening of tax brackets to lower top rates, and through massive increases of consumption taxes, Tory governments have added billions of dollars to the tax burden of working people.

The policy paper on workers' rights. I'll just go through this briefly. Throughout history people have united in a quest for two hallmarks of democratic society, freedom and equality. Many societies have claimed to achieve these ideals. In our Canadian society we take them for granted. We are convinced that we are all born free and equal and not subject to discrimination and that the rights to life, liberty, and security of person are part of Canadian citizenship. Sadly, this is far from the truth. In some of history's most renowned democracies, freedom and equality have been enjoyed by only a few. The rosy accounts they wrote of their societies have served to hide conditions faced by the majority, especially those whose labours have produced the wealth that makes society possible.

In Canada, in the same year our Fathers of Confederation met to debate the founding principles of a new, free nation, thousands of children, many as young as eight or nine years of age, were working in cotton mills and mines for 12 hours a day while adults went unemployed. Undernourished and abused, these children worked under the threat of beatings. Under common law the master had right of correction on the person of the servant, subject only to the limit that there would be no permanent injury.

The great liberal reformer, George Brown, who editorialized against this pernicious system in the pages of the *Globe*, declared war against his own printers when they asked for a nine-hour day. Just by uniting this way in 1872, these workers were guilty of criminal conspiracy in restraint of trade.

Slaves, peasants, and industrial workers throughout history have been denied the most basic of all rights. This is our heritage as working people. It is assumed that we have no rights against either misery in the workplace or discrimination in the class structure outside. A Roman slave sent into a mine was handed a death sentence as surely as the coal miner in Hillcrest in our own Crowsnest Pass. The brave courier de bois was not even allowed sufficient provisions to feed himself on the trail, and if navvies, who built the CPR under intolerable conditions, endeavoured to leave the employ of the master, they would be brought back to work by the North-West Mounted Police.

Today working people in Canada enjoy a measure of democracy; however, they have not been voluntarily granted. There has not been a single incident in history when the rich and the powerful have voluntarily extended the rights and the freedoms they enjoy to working people. Every right we enjoy today was won because generations of workers joined hands in industrial and political action. Workers' rights are won through struggle and sacrifice, often to be taken away in the very next generation, as we have seen in Canada and in our own province, Alberta.

Organized labour has led the fight for workers' rights both in the workplace and in society. In 1948 Albertans joined working people around the world in celebrating a high point in their struggle for rights. In proclaiming the Universal Declaration of Human Rights, the General Assembly of the United Nations recognized for the first time in history the inherent dignity and the equal rights of all members of the human family as the foundation of freedom and justice.

According to federal and provincial statutes, we are a democratic society. Unfortunately, this has not made freedom and equality a fact of life. Political rights and freedoms without economic democracy are hollow. Human rights are meaningless unless they become workers' rights. Recent actions by Tory governments, both federally and in Alberta, have taken away many of the rights won by working people. Where are workers' rights when the rights to belong to a union or to engage in free collective bargaining have been all but removed for the majority of Albertans? There are no workers' rights when employers are given the licence to stamp out organized drives or refuse to bargain without a certified bargaining agent. Strikes and picketers are either outlawed or, if legal, are rendered inefficient. The situation facing the majority of unorganized workers makes the talk of workers' rights even more hollow. Even the few inadequate minimum standards and protections provided in the Employment Standards Code, the Workers' Compensation Act, or the Occupational Health and Safety Act are regularly denied them.

The free trade agreement was itself a major blow against workers' rights. Not only has it meant a loss for thousands of workers of the most basic of workers' rights, the right to a job; it has provided the opportunity for a federal government to take action against the rights of the unemployed workers to a proper unemployment insurance system. It is now moving to take away even more of our social rights such as our medical care system and other aspects of our social wage.

Workers' rights are most directly destroyed when the quality of their work is eroded. The labour market has been deteriorating rapidly as standards are subject to deregulation and well-paid, secure jobs are replaced by part-time, low-paid temporary work through contracting out and privatization. Women and the young worker bear the brunt of this change. One result of this attack on workers' rights is that the gap between the rich and the poor, constant for 25 years, has once again begun to widen.

Even those few rights which exist formally for workers in the larger society are denied in the workplace. For them democracy stops at the plant gate or office door. The explanation for this brutal reality is found in the nature of the employment relationship. In this contract, employers as buyers of labour hold all the cards. Based upon the Masters and Servants Act, labour law has evolved around the assumption that important rights belong to the employer. As an employee, the duties are to obey, show good conduct, be faithful, and perform with diligence. This common law leaves little room for any notion of workers' rights. Presumptions against workers' rights go right to the basis of our society. In a market-oriented society human beings and social relations are largely defined in terms of demand and supply forces of the workplace. Economic and social policies are generally subject to such market criteria as what is most profitable, productive, competitive, and efficient. Under these conditions, human labour and human needs and services tend to be treated as . . .

4:10

MR. DEPUTY CHAIRMAN: Linda, I'll have to ask you to wrap up fairly quickly because you're two minutes over now.

MRS. KAISER-PUTZENBERGER: Okay.

As workers and citizens of Alberta, we reject the denial of human rights either in the workplace or in society generally. We are united in our determination to achieve our rights and freedoms in all areas – social, economic, political, legal, and personal – and to have these rights protected both in law and in personal life. Workers' rights can only be won in a society governed by economic and social policies based upon people's needs rather than market-based priorities.

Our success in building such a society lies in our understanding of the key role work plays in our social and individual lives. As a labour movement, we affirm that through work people should be able to realize human dignity and self-expression, participate in social and economic life, secure decent personal and family incomes, and contribute to the building of a more just world. This means building a social economy and society that puts top priority on serving people's basic needs, enhancing the value and dignity of human work, achieving a more equitable distribution of wealth and power among people and regions, and creating a more vital and participatory democracy.

In this 35th annual convention of the Alberta Federation of Labour, we declare our determination to achieve all our rights essential to freedom and equality and a full life by reaffirming the principles outlined in the original declaration of workers' rights ratified in 1981. As workers we are neither serfs nor slaves. Freedom and equality cannot end at the plant gate or the office door. It is a worker's right to decide his or her own destiny, and the exercise of liberty is essential to our dignity and self-worth.

MR. DEPUTY CHAIRMAN: Thank you very much. The Chair has to point out that we have gone five minutes over the time, so there will be no questions. Thank you very much for your presentation.

MRS. KAISER-PUTZENBERGER: I have a few extra copies I will give you.

MR. DEPUTY CHAIRMAN: Thank you. John will pick them up and distribute them.

Ladies and gentlemen, that concludes our scheduled presenters, and the Chair regrets that we're still 15 minutes behind schedule. We do have five presentations, and we'll try to divide that up equitably. Perhaps there will not be questions from the committee, depending on the length of the presentation. Most likely there won't be.

Without further ado, the Chair would invite Ronald Meilleur to take the stand.

MR. MEILLEUR: My name is hard to pronounce; I'm English, French, and German. It's pronounced Meilleur in French and Muller in German.

MR. DEPUTY CHAIRMAN: Thank you. Welcome, Ronald.

MR. MEILLEUR: I would like to direct this question to the Hon. Nancy Betkowski if possible, because I think she would have more of a general idea of what I'm talking about. We have three medical health care systems in Canada as far as I am knowledgeable about: medicare, Blue Cross, and Alberta health care. Would it not be feasible to bring medicare, Blue Cross, and Alberta health care under the federal government and provincial governments across Canada and set it up as a basic premium payment equal for all ages? Instead of one province paying basic premiums for the citizens in that province and bringing it up in another province where people have got to pay the rights of that province, bring it all under the jurisdiction of one federal or provincial government and set a basic premium payment equal for everybody. That means the poor people, the underprivileged people, and the rich people.

We have been fighting in Canada for as many years as I can recall on health care systems. The only health care system we have at the present time in Alberta that actually works – and I believe you're very familiar with it – is the Alberta assured income for the severely handicapped, known as AISH. Now, I am on both the Alberta income for the severely handicapped, covered under my wife's pension, and I am disabled under the federal government disability pension board. My wife can go into a drugstore like Co-op, London Drugs, or any drugstore in the province of Alberta, but if she needs one basic element of life standard for her medical, she has to pay for it where she can get other things. If she needs certain types of pills, it's covered on her Alberta income for the severely handicapped and she is exempt from paying for it, but if she needs bandages for her arms, bandages for her legs, she has to take that out of her pocket money. I don't think this is strictly fair under the labour Act in Canada. This is why I am stating that we should bring medical health care solely for everybody in the dominion of Canada under one basic health care that everybody has equal rights to. If it has to come under the Constitution Act, I'm all for it.

Now, other basic issues I have to talk about – and I am very fair on this. I'm bilingual myself, but does anybody in Canada realize that there are three minority languages in Canada, not two? There are three minority languages in the dominion of Canada, and I haven't heard anybody discussing that in this auditorium this afternoon. Furthermore, I don't even know whether we have a representative in any federal or provincial government across Canada that takes in the minority rights of the Acadians of New Brunswick. I have not yet heard anybody this afternoon talk about the Acadian people, and they have just as many minority rights in Canada as the English-speaking people and the French-Canadian people. You get into a discussion with the French-Canadians in Quebec on the Acadians and they laugh at you. They laugh at you because they call us a slang nation of the French-Canadians. The Acadian people of New Brunswick were the first people in Canada, with the exception of the Parisian French, that could speak a true dialect of the French language in Quebec.

MR. DEPUTY CHAIRMAN: Ron, I would point out that the New Brunswick government has also set up a type of committee similar to what we have here. I think it's a lot to expect people in Alberta who don't have any day-to-day contact with Acadians to be speaking about their problems. In their own province they're having a forum in which they can put that forward.

4:20

MR. MEILLEUR: All right. Okay. I agree with you on that part wholeheartedly, but all we've been hearing all afternoon is English and French rights. If we're going to bring a language into Canada, let's bring one straight language into Canada. Make it English all the way across the Dominion of Canada, and that's it.

Here's another one: the matter of your penal system with your Young Offenders Act. They've got it in Canada that they don't have to publicize anything about a young offender being brought up in court. A crime is a crime, no matter whether you're 10 years old, 16 years old, or 26 years of age. Bring the Young Offenders Act out, and publicize in the papers as to what that one did and make him pay for his crime just as well as if he were 25 or 35 years old, because a crime is a crime.

On your minority rights, I'm going to bring up something on the Income Tax Act. I would like to see the Constitution of Canada take that Income Tax Act and completely recharter it and revamp it. When a corporation can turn around and get away without paying income tax and the young working people out in the street working for $3 and $4 and $5 an hour have to pay $10,000 a year in income tax, that is highway robbery. This is one thing that I know for a fact: a man right here in the city of Red Deer this year has until September to pay $15,000 in income tax, and he's a working man. Now, why should corporations get away with not having to pay income tax when you and

I, my wife, and everybody else that is working, if we are working, would have to pay income tax? I think the Income Tax Act in Canada should be brought up to equal rights for everybody. If you're making $100,000 a year, you pay income tax just as well as the next man that's working and paying $15,000 a year.

MR. DEPUTY CHAIRMAN: Thank you very much, Ronald. Did anybody want to respond about medicare? I don't think we can, Ron, because we've got too many people who wish to present in the time remaining, but we appreciate your contribution to the process.

MR. MEILLEUR: But these are the main topics that I wanted to bring up, and I wanted to bring them right out, especially on the medicare system, one thing and all.

MR. DEPUTY CHAIRMAN: It's all being recorded, and everything that is said here today will be a reminder for action in the future, whether it's strictly related to whatever else we've heard. So we appreciate your contribution.

MR. MEILLEUR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Our next presentation is by James Small and Cecil Currie.

Hi. Is this Jim?

MR. SMALL: Right. Cecil is not here. He's worse than Ron.

MR. DEPUTY CHAIRMAN: Okay.

MR. SMALL: I came from Hobbema. I've heard a lot about the Constitution through the country. We, too, are worried. They talked about the ethnic groups today, about the Bill of Rights. There are so many things they talked about, and it just reminds me of our Indian affairs department. We have people there that weren't informed on a lot of things. We spent two days storytelling. It didn't accomplish anything simply because we are not the lawmakers in this country. We operate under the Indian Act. We don't have a say in the Constitution. Whether it's made up by Liberals or Conservatives, it doesn't matter. What matters to us is that whoever was in government at the time would take us wherever they wanted to, because the people in Canada forget who they are, how they came to be.

They talked about people immigrating to this country. They talked about if people commit a crime in the three-year or five-year period, they're going to chase them back. We've never done that as treaty people. I come from treaty 6 territory. We never asked anybody to leave Canada; we welcomed them here. We coexist with them here. We shared our country with them. We shared our resources with them. Also, they made a lot of promises, assured us that as time goes by, we would share the wealth. We didn't.

Canada formed its own Constitution back in 1867. They didn't bring in the Indian or the original people of this country. They didn't tell us what they were going to do. We trusted the people; we're a humble people. We accepted people from different nations.

This is the reason, I guess, that I came today. We are very worried from the treaty side when the multinational people from different nations start talking about Canada, especially Quebec. We will not allow Quebec to leave because we are the ones that are holding this country together: the treaty people. Constitutions are made by people, but nations hold the country. We belong here. That's why we are very, very worried. At the speed we're going today, with the global people, free trade, and now hearing people saying that Japanese people are taking over our industry, we are worried. Our people are. They tell us: "Go and listen to those people. What are they saying? Bring back what they say."

So now we watch television news, up-to-date news, and I see that we are ahead of the government's agenda. We know what's going to happen. A lot of people here that I listened to today are behind. They don't know what's going to happen, but we know. We follow different parties: the Conservative Party, the Liberal Party, the Reform Party. We know what they're saying. This is why when you are dealing with chiefs, it's an illusion they have, because they are elected by your system, the Indian Act system, but our true chiefs, the treaty chiefs, are still out there. They are watching. You cannot make any arrangements or commitments to Indian Act chiefs. They don't represent us, especially in treaty 6.

Thank you.

4:30

MR. DEPUTY CHAIRMAN: Thank you very much, Jim.

Our next presenter is Laura Hansen. Laura, come forward, please. Welcome.

MRS. HANSEN: I'm not as eloquent a speaker as the friend that just went before me, but I wanted to say a few words about national unity. I would like to say that if Quebec cannot keep their language and culture without the clauses that they are a distinct society and have a veto over any future constitutional changes, how can they keep their culture if they leave Canada? The rest of Canada has given them a great deal of accommodation in different areas. If Quebec doesn't need the rest of Canada, why have they had to have so many transfer payments that come to more than the amount of taxes that they have paid to the federal government?

I would like to have it put to Quebec, in polite but firm terms, that if they leave Canada, this would follow, because when you have an action, you get a reaction. Those office buildings in Hull would be empty of federal government offices. The naval headquarters should go back to Halifax. The air industry should go back to Manitoba. The new space and sciences industry that is going to be built down there should go to Edmonton, in my opinion. The federal Supply and Services contracts that are at this point bought in Quebec would be purchased hopefully in the maritimes, eastern Canada, because they haven't got a great range of resources there, and the government would be streamlined without all the salaries of the Quebec Senators and Members of Parliament to pay. Power would be a little more evenly divided among all the regions. Quebec would also have to set up its own postage and monetary system and seek international status for its currency. They couldn't go and take our currency, because their policies would affect our budget, our value. Any former employees that used to work in the government would have to apply for Canadian citizenship to reapply for government jobs. The Quebec government would have to renegotiate its deal for Labrador water power.

I think a lot of this is a pity because I think the general Quebec population, the poorer regions and the uneducated who aren't really thinking, are being manipulated by ones who crave power. Who would negotiate the deals for Quebec with the other countries if nobody spoke English? They have really abased the knowledge of English down there: "That's terrible. You're wrong if you learn it. It should just be French and

French only, no English signs, nothing." It would be the highly educated people who would educate their children in foreign schools so they would learn English. They would have the power positions.

I didn't write down the name of the book, but there's a book, and it explains the French government system and the English government system. The French is governed from above. They don't believe in one man, one vote. Their politicians are educated as politicians and put in because they don't think the masses are smart enough. I have wondered if some of this push for Quebec power is because there have been too many of the ordinary Quebec youth learning English and perhaps going up in a class of society that the upper crust would rather they didn't. The English type of government – and I say "English" loosely – is one man, one vote.

I also think there should be a chamber for sober second thought so that a large majority government couldn't just push through a policy. It should be divided at that point between the regions so that each region has the same amount of power, because no one province, not Alberta, not Quebec, no one, should have more power than another province. We should all be equal.

Someone commented about abortion rights and things. There's one thing I have never heard. They say, "Well, a fetus is not a person until it is born." I have four children, and every one of them turned out to be a child. I didn't say, "I'm pregnant with a fetus." I said, "I'm pregnant with a baby. I'm going to have a baby." By golly, they all turned out to be babies instead of puppies. I don't see where they can say that a woman should have control over her own body. That's fine; she should. But she should exercise control before that child is conceived. We have huge immigration policies. We have to bring in all these people, and then we kill them off by the thousands here. Maybe it's inconvenient, but none of my children were convenient, and there's not one I would part with.

Also, on all these forms they have, "Are you bilingual?" If you put down, "Yes, I speak Canadian and Cree," that is illegal; they will not accept it. I know a man who is in the army. He put down that he was bilingual: he could speak Cree and he could speak English. The definition of bilingual in the dictionary is "two languages." He was disciplined for doing that. On any of the forms that the government has, it's only French and English. The nephew of a friend of mine speaks fluent Japanese, also Portuguese, also English. He is of English descent, educated in Japan, went to high school there. He tried to get a job in Banff. He couldn't get one because he was not bilingual.

Thank you. Are there any questions?

MR. DEPUTY CHAIRMAN: Thank you very much. Laura, it's not that we don't want to ask questions, but we're in this unscheduled part.

MRS. HANSEN: That's true, but before I left, I just wished to know if anyone wanted to know something. Thank you very much for your attention.

MR. DEPUTY CHAIRMAN: Thank you very much, Laura.

The next presenter is Elmer Kure. Welcome, Elmer.

MR. KURE: Thank you, Mr. Chairman and members of the panel. I sent a written submission to your office, and I hope you will have a chance to get through that.

MR. DEPUTY CHAIRMAN: Just for the record, we do solicit written submissions. Written submissions that come directly from the people of Alberta will be analyzed and given as full consideration as those that are received orally. That gives the Chair the chance to say that this is an ongoing process, so anybody who's presented doesn't have to feel that that is the end of it. If you have further views, we are very happy to receive them, and they will be considered.

I'm sorry to interrupt you there, Elmer.

MR. KURE: That's fine.

MR. DEPUTY CHAIRMAN: Go ahead, please. You have the floor.

MR. KURE: I appreciate the opportunity. I noticed today, sitting in the audience and having the benefit of listening to all of them, that most of the people here are of my age category, so obviously one of the greatest untapped resources in the province is retired people.

4:40

I'll only say a few words about my brief. I don't intend to read it, Mr. Chairman; you have it. I should say a bit of my background. Being retired, I did farm for 30 years and worked for the Alberta fish and game for 15. My job was to attend all the provincial hearings in Alberta, everything from land use to pesticide use, water use, and so on. So I've had the great privilege of meeting the wise people of this province and appearing before all those panels on a whole range of issues.

What I'm hearing in Alberta: I think we're all pretty patriotic, although we don't show it. I really believe that people are not mad at Canada; they're mad at something else. I believe someone said, "It's tough that you all happen to be members of that group." I'm sure it's disheartening as an elected politician to hear the griping and the complaining that's going on. My perception of our problem, Mr. Chairman, is the question of power, whether it's personal, and we're pretty good at lobbying for our own personal things; whether it's corporate, and they're very good at it, and we know that; or whether it's political or ethnic. It's these areas of power that I really think are the root of our problem. Others are learning to play the game very well.

I guess once one identifies the problem, it's a question of the solution. I really think that the greatest need we probably have in Canada, if we're going to save it, is to resolve this question of the division of powers. I believe it's going to require major surgery. I'm convinced of that, Mr. Chairman. I've been interested, having served on a number of government committees, task forces, and legislative committees over the years. If we're unable to deal effectively with our division of powers, we won't solve our problem. I know it's not going to be easy because of the entrenchment of our political system, the British system of Parliament and law; very difficult. We have shied away from looking effectively or constructively at other systems that have worked in our situation or that might work in our situation.

In my rather brief brief I have suggested the need to look at these areas, and I've come to a personal conclusion that if we're going to capture the patriotism, I guess, and the confidence of Canadians, we're going to have to have major surgery, and we probably should look strongly at the question of giving every Canadian a vote for a national leader. If we expect a country as far flung as this one to survive our regional or cultural differences, I believe maybe it's time to look at a system that would allow every Canadian to vote for a national leader. It's obvious that we will continue to have leaders from less than a majority of the voters in this country if we don't in the future.

I've suggested in the second recommendation in my brief that we should look very strongly at the idea of a proportional representation system. It's been used other places where they've had similar problems. It's quite conceivable now in our present system and the way it's used that we in fact will probably continue to elect governments with less than a majority of the people, and the representatives that represent the people of their constituencies may well be skewed in favour of less than a majority of the voters. I think we should look strongly at the proportional representation system. It may in fact fit very well with our country in the future.

The third one – and we've heard probably more about this than any other today – is the status of people. I've become convinced over the years, having worked a bit with the Indian people – I know very little about the French element in our society. I've been there a few times, but I don't know enough about it, except that I come from a cultural community. It happens to be Dickson. I live on a farm close by there. It happens to be the greatest little hamlet by a dam site.

MR. DEPUTY CHAIRMAN: No, Bassano says that.

MR. KURE: Somebody else probably said that.

I understand a little bit about the problems of ethnic communities and how it's perceived when you lose a bit of your culture, and there'll always be a sense of failure or loss when that happens. I can appreciate what the people of Quebec may visualize as a loss of freedom or something. I think it's mainly their culture. But I believe it's time to declare all citizens of this country equal regardless of their status or their origin. You'll have a balkanized system or a federation, but if we don't declare every citizen in this country equal, I think we're really discriminating against those people who have sought special status over the years to their own detriment. I don't think you can have the caste system in a country. It doesn't work very well where it is operating.

This gives us my fourth and final point: if we deal with these issues – and I realize what I'm suggesting is major surgery – we will then be able to re-examine our bicultural aspirations in favour of a multicultural society with enough provincial autonomy for those things to be dealt with at that level. I think it can be achieved. Even our native Indian position paper has not been dealt with well or properly. I think it's high time we settled their land claims, call these people equal, not special status people, and let them recognize their treaty rights on their lands.

I'm a Canadian citizen. I was born in the United States but came up here when I was as high as the table. I'm concerned for our country. That's why I've suggested what I have today. I believe we should look around, be willing to use the systems that others have tried that may in fact fit our mosaic. We're hearing a number of words. I read them in the résumé, Mr. Chairman, which I believe was a good preparation for anyone examining the issue. It's a credit to our government for producing it. It gives you an opportunity to look at these things. Those terms like "constituent assemblies" and so on are not necessarily the solution. They are a base to study what really is the solution. I've said that I thought most of our things about culture and so on could be dealt with by the provinces. Whether some province wants language schools of their choice, I think it obviously should be their right to do that.

4:50

Finally, I would say that for at least 20 years I've been active enough in political circles provincially – unaffiliated, I want you to know – to understand that we have not solved some of the problems we should have in this province. The Indian problem and land use dispositions are antiquated in Alberta, and they should be looked at very quickly. We should not continue to throw these problems in the hands of the court. I believe I elected my representative, who is a member of this committee and not here, Gary Severtson . . .

MR. DEPUTY CHAIRMAN: He's on the other half. He can't be in two places at once.

MR. KURE: They're working somewhere else. I so suspected.

But I really think it's time for elected people to stand up and be counted and not slough their job off on the court system. Ten years ago, my friends, politicians in Alberta said, "We'll never go to the courts like they do in the U.S." Guess what we're doing today.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much, Elmer. Just for everybody's information, if you wish to contact us in writing, this booklet that Elmer has referred to with approval does have the address on the very last page of it. There's also a telephone number. You don't even have to write; you could telephone, and there are people there who are trained in taking down the message. All those written or oral presentations will be considered.

We certainly appreciate your presentation, Elmer. Thank you.

The last presenter will be Howard Gopher. Welcome, Howard.

MR. GOPHER: Well, I'm not quite that prepared. I thought it was up to us whether we wanted to get up or not. I wasn't . . .

MR. DEPUTY CHAIRMAN: It certainly is. If you wish to, you have the opportunity.

MR. GOPHER: I have a little bit written down.

MR. DEPUTY CHAIRMAN: Certainly.

MR. GOPHER: But I'm sure my views would not be well received by my own people because I am almost talking about myself and some other people who may be in this situation.

MR. DEPUTY CHAIRMAN: Well, Howard, you don't have to feel uncomfortable about it. You can come and give your own views. There are some people who come and speak on behalf of a group, but many have come and spoken on their own behalf. You are an individual just like the rest of us, and you are perfectly welcome to express your own personal views.

MR. GOPHER: Well, I'm sure a lot of people would like to say something like this. They're either scared or they don't have enough confidence that somebody will listen.

I'm going to be talking a little about the issue of aboriginal self-government. If and when aboriginal people are given self-governing powers, how is the federal government going to ensure that it does not create a dictatorship within a democracy? Will the aboriginal people be asked to develop and implement a Constitution within the reserves based on the Charter of Rights and Freedoms?

As in most political systems there are the haves and have-nots. Certain people get certain things just by being a friend or relative of the chief and council or the politicians. Even if some individuals are more qualified, most often people with less qualifications get the jobs. Aboriginal people cannot be crying oppression while they are oppressing their own people within their own boundaries. By boundaries I mean reserves. I'm sure not very many people would have the courage to say this, because people like this are minorities on their own reserves. They have no voice because there's not enough of them to really do anything.

What I wanted was for issues like this to be thought over before the aboriginal people are granted self-government so we are not pushed off the reserve. With me it has helped me to be a little more successful in the things that I do. I'm not saying I'm the best or anything; I'm not giving any credit to myself. But I'm sure that people that don't have any confidence will not be able to make it on the outside. When you come from a reserve, it's hard to try and coexist with the rest of society when you don't know what society is like on the outside, or you don't know where to go if you don't know anything about urban society or life off the reserve.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Howard.

Well, ladies and gentlemen, that concludes the presentations for this afternoon. The committee will reassemble in the same spot – I understand maybe with a little expanded area – at 7 p.m. for those of you who would like to come back.

Thank you very much to all who participated and all who were interested in hearing what was said today. I don't know what the chances of success are, but this process certainly wouldn't have any chance of success without the participation we've had today. Thank you very much.

[The committee adjourned at 4:56 p.m.]

7 p.m. **Thursday, May 30, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. According to my timepiece it's 7 o'clock, and that is the hour at which this committee is supposed to come to order. On behalf of the committee, I want to welcome everyone here this evening who will be presenting and will be observing the proceedings. Perhaps that will lead members of the audience to make their own representations at a later date, either before this committee when it probably will be holding further hearings or orally on the telephone or in written form that can be sent to the committee. If anyone is interested, the address and phone number for doing that can be found on the back page of this booklet, which is available at the front door.

As you all know, we are part of the Alberta Select Committee on Constitutional Reform. We are committee B. Committee A is presently working in another part of the province, Medicine Hat. I'll take this opportunity to introduce the committee. On my far left is the newest Member of our Legislative Assembly, Mr. Barrie Chivers, the MLA for Edmonton-Strathcona. Next to him is Pearl Calahasen, the MLA for Lesser Slave Lake. Our administrator, John McDonough, is next, and beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. I am Stan Schumacher, and I represent the constituency of Drumheller. On my right is Stockwell Day, the MLA for Red Deer-North, and on the far right, at least physically speaking, is John McInnis, the MLA for Edmonton-Jasper Place. Just arriving at the table is Sheldon Chumir, the MLA for Calgary-Buffalo.

I will now invite Stockwell Day to say a few words.

MR. DAY: Thanks, Mr. Chairman. I get to give the official welcome to the committee for having the wisdom to choose to come to Red Deer and hear from the central Alberta folks, who are probably the wisest in the province, I would think, but that's my biased view. We were very pleased this afternoon to have probably our largest turnout outside of Calgary. We had to change rooms and move to this larger one. We don't know if it's going to fill up again or not, but we appreciate the fact that people around here see the importance of having something to say about Canada and Alberta's future in it. We look forward to the same tonight. So welcome to the committee, and welcome to everybody here. Thank you.

MR. DEPUTY CHAIRMAN: Just to move along, we do have a fairly full menu this evening. In order to allow everybody to have their say, it's fairly important to keep to the time lines. We have divided the time available into 15-minute segments. If your presentation can be done in less than 15 minutes, the committee can then have an opportunity for some dialogue, but that depends on your point of view. You certainly have a full 15 minutes, and sometimes the Chair has been known to stretch that a little bit, but we can't go too far or else we run into the danger of denying other people their right of free expression.

I'd like at this time to welcome Jerry Chipeur on behalf of the Alberta Conference of the Seventh-day Adventist Church. I'm sorry; your colleague is . . .

MR. CHIPEUR: With me is Don Corkum. He is the president of the Alberta Conference of the Seventh-day Adventist Church, which has its headquarters here in Red Deer.

MR. DEPUTY CHAIRMAN: Well, welcome to you, Don and Jerry. Please proceed.

MR. CHIPEUR: With me as well are the secretary and treasurer of the conference, Don King and Robert Lemon, directly behind me.

MR. DEPUTY CHAIRMAN: Welcome.

MR. CHIPEUR: The Alberta conference believes that the questions raised in the Alberta in a New Canada task force report are important and deserve the attention of every Albertan. The conference will address those questions of particular concern to Seventh-day Adventists in Alberta. The conference speaks on behalf of 10,000 Albertans who attend the 60 Seventh-day Adventist Churches in the province. This submission will focus on four areas of concern to the conference. It will first highlight the importance of maintaining Quebec within a united Canada and then comment on the plight of aboriginal peoples. It will then consider the question of a constituent assembly and, finally, strongly urge the repeal of section 33 of the Charter, the notwithstanding clause.

As a religious organization primarily responsible for spiritual matters, it would be improper for the conference to comment on general political issues which confront Alberta in the federal state of Canada. However, there are two general political questions which may have a significant effect upon the conference and therefore justify commentary by the conference. These questions relate to the place of Quebec and of aboriginal peoples in Canada. While the conference proposes no solution, it does express a desire.

The conference works closely with the Quebec association of Seventh-day Adventist Churches in fulfilling the mission of the Seventh-day Adventist Church in Canada. That mission is to teach and to serve as Jesus Christ instructed in the Bible. The conference believes that unnecessary political barriers between Alberta and Quebec will have a negative impact on the ability of the conference to work with its Quebec counterpart in fulfilling this mission.

In the document Alberta in a New Canada the question is asked on page 15, "How can aboriginal concerns best be resolved in Canada?" It may be, we suggest, that treaties should be replaced with specific rights, freedoms, and powers for native groups in the Constitution. They need opportunities to govern themselves in a manner equivalent to that afforded to all other Canadians. The aboriginal peoples of Canada deserve dignity and equality within the Constitution and with the society created thereunder. The conference believes in and is committed to a united Canada where each citizen has the responsibility and opportunity to participate in achieving and enjoying success as a nation.

Jesus Christ said in Mark 3:24 and 3:25 that if a nation is divided against itself, that nation cannot stand. "If a house be divided against itself, that house cannot stand." The Seventh-day Adventist Church is a house within the nation of Canada. If there are divisions within society between Quebecois and other Canadians or between natives and other Canadians, those divisions will have an effect upon the Seventh-day Adventist Church. The Seventh-day Adventist Church may help to alleviate the effect of such divisions, but it cannot escape the reality of the discord. The conference is therefore committed to working for unity among all Canadians.

On page 18 of the Alberta in a New Canada document the question is raised with respect to the establishment of a constituent assembly. The conference expresses no opinion with respect to the desirability of that course of action, but it does express a concern with respect to the Charter of Rights and Freedoms. The conference believes that Canada has a Charter of Rights second to none in the world and that Charter should not be subject to the whim of a constituent assembly at this point in time. There's nothing wrong with the Charter right now except for section 33, and we do not believe a constituent assembly is necessary to deal with section 33. To leave the Charter to the fate of a constituent assembly is to take an unnecessary risk with respect to the rights and freedoms enjoyed by all Canadians.

Finally, we recommend the immediate repeal of section 33 of the Charter. In the alternative, if section 33 is not to be repealed, section 2(a) at least among the fundamental freedoms should be excluded from the ambit of section 33.

The overriding importance, we submit, of freedom of religion within the Charter is highlighted in the preamble to the Charter and to the Constitution Act, 1982, in which it is declared that Canada is founded upon principles that recognize the supremacy of God; then the first Charter right or freedom set forth in the Charter is section 2(a), freedom of conscience and religion. Canadians recognize that the Constitution protects profoundly personal beliefs that govern one's perception of oneself, humankind, nature, and in some cases a higher or different order of being. Those are the words of Chief Justice Dickson.

The preamble of the Constitution Act, 1982, acknowledges that at times the requirements of one's conscience and one's God takes priority over the dictates of Canadian law. The conference wishes to emphasize at this point that while it addresses the impact of the Charter from a Christian point of view, the protection within the Constitution Act, 1982, and the reference to God in the preamble are in no way restricted to the Christian religion or the Christian conception of God, and that is clear from judicial authorities who have considered that question.

Finally, with respect to section 33, and this I would submit is the most important point, the conference appeals to the International Covenant on Civil and Political Rights for its argument that section 33 has no place within a Canadian Charter of Rights and Freedoms. I have provided to the committee this evening a document entitled Guide to the "Travaux Préparatoires" of the International Covenant on Civil and Political Rights. In that document the question of legal restrictions other than reasonable limits in a free and democratic society on freedom of religion and the reason why in the international covenant a section 33 or notwithstanding clause was not included is discussed.

7:10

I refer the committee to page 91, which sets forth subparagraph (2) of article 4 of the International Covenant on Civil and Political Rights which guarantees freedom of religion. Paragraph (2) says, "No derogation from . . . 18," among other paragraphs, "may be made under this provision," and this provision deals with emergencies. The International Covenant on Civil and Political Rights provides for the derogation from fundamental freedoms and rights in the case of emergencies under article 4, but it excludes from article 4 freedom of religion. It specifically says that in the case of freedom of religion there should be no derogation under any circumstances, emergency or otherwise, other than – and then it uses language similar to our section 1 – reasonable limits in a free and democratic society. So our submission is that section 33 purports to be in direct conflict with articles 18 and 4 of the International Covenant on Civil and Political Rights, because if we as a country ever use section 33 to take away rights under section 2(a), we will necessarily be in violation of this important international covenant. If we never exercise those rights, then of course we will never have violated it, but why would we as a country want to claim the right to do something internally that we have agreed with other nations of the world not to do?

In conclusion, the conference recommends that every effort be made to include Quebec and natives as full partners in the Canadian Constitution. The conference strongly recommends that Parliament and the provincial Legislatures immediately repeal section 33 of the Constitution Act, 1982.

Thank you for the opportunity to present the concerns of the Seventh-day Adventist Church.

MR. DEPUTY CHAIRMAN: Thank you, Jerry.
Barrie.

MR. CHIVERS: Thank you for coming this evening, Jerry, and presenting your views. I share your concerns with respect to the notwithstanding clause. It may not come as a surprise to you.

One of the concerns, however, one of the interests that has to be balanced, is protection of language rights. You're familiar with the evolution of section 33, and I think it's fair to say it was inserted as a way of resolving a political problem. A suggestion was made to us this afternoon by a presenter here in Red Deer that perhaps one of the ways of dealing with that – he also advocated the removal of section 33. He suggested that perhaps what we could do is in the context of language rights in the Charter provide for an affirmative action provision to allow language rights to be protected within provincial jurisdictions if provincial jurisdictions felt the need. I was wondering whether you'd have some comments on that as a mechanism to sort of balance the reason for the notwithstanding clause being inserted in the Charter in the first place.

MR. CHIPEUR: I would agree with that submission and point out that section 15 of the Charter, which guarantees equality rights, provides for that form of legislative action with respect to affirmative action for those who have been discriminated against in the past and are in need of special legislative protection. So I would agree with that. I would add that if we are faced, as it appears in Quebec, with a fundamental difference with respect to the question of language, the better way to deal with it is to bring in either an amendment to the Constitution, as you suggest, or some other amendment to deal with the issue of language rather than in a long-term way continuing to invoke section 33 to support a fact within society. Our recommendation with respect to the Constitution is: if you're going to amend a Constitution because there is a desire to change something about society, you amend the Constitution and do not just allow 50 percent plus 1 to do it in the heat of the political moment.

MR. CHIVERS: Very briefly, there's been a lot of discussion throughout the hearings as to the relative merits of a written Charter or a written Constitution or whether it should be something that falls within provincial domains by way of ordinary statutes. I'd just like your comments on that.

MR. CHIPEUR: Our view is that human rights are fundamental, and Parliament and the Legislatures have now stated very clearly in the Charter that human rights will not be violated by government. That is a political action that the provinces have taken. To say that somehow the Charter takes away rights from the provinces or affects the provinces when the provinces were in fact the ones that put it in place I don't believe is valid. There is no illegitimacy in a constitutional document which has been passed by all the provincial Legislatures and Parliament. I don't accept your premise. I don't believe there is any illegitimacy there at all, and I don't believe the province should be concerned at all that any of its rights have been infringed, because it put it there.

MR. CHIVERS: It's not my premise.

I'll pass on to other members, although I'd like to carry this on.

MR. DEPUTY CHAIRMAN: John.

MR. McINNIS: Thank you, Mr. Chairman. In your submission you suggest that aside from section 33 the rest of the Charter doesn't need to be changed. There are some people, though, who would like to add to the bundle of rights that go with being a Canadian. In particular, some people have mentioned the right to a clean environment, the idea that government should not be able to take that away from us through devices that may appear to be legal on the surface; in other words, some type of Charter protection for our right to pure air, clean water, pure soils, wildlife, and that type of thing. Do you see that as something that has some merit, and if so, would that lead you to think that maybe we should look at expanding our human rights under the Charter?

MR. CHIPEUR: The environment is not something that is inherent to a person. A person's race, religion, and thoughts are within the person and the government acts with respect to the person. The Charter governs the relationship between person and government. I believe environmental protection is very important, but I'm not sure how it would fit in. Just from a legal point of view, I have a hard time conceiving how it would be guaranteed. But the church has no position with respect to that Charter freedom or right, just as it has no position with respect to other language issues and issues such as that. We believe we should confine our position to religious issues where we have a legitimate position. I think we do have a position that the environment is important and the government should do everything possible to protect it, and certainly we would not oppose that kind of action. But just as a lawyer, I have a hard time conceiving how that would work as a fundamental freedom.

MR. McINNIS: Well, I think the way it would work would be if a law were found to deprive people of their right to clean air, clean water, abundant wildlife, and so forth, conceivably it could be struck down under the Charter. I guess I'm looking at it from the point of view that not very many rights make sense without a life-support system.

MR. CHIPEUR: Okay. If you're going that far, I think section 7 already provides that guarantee. I would suggest that if the government were to take action – and this is recognized in the Operation Dismantle case – and it was possible to prove that this threatened the life or health of individuals and was being done in a way that was not reasonable in a free and democratic society, section 7 would guarantee that right. I know there are a number of judges, just talking to them privately, who say, "We think section 7 covers everything; all we'd need is section 7 and everything would be included." I don't advocate that position, but I think there is some protection there right now and it's open for the use of individuals.

7:20

MR. DEPUTY CHAIRMAN: John, I think the list has sort of exploded now, and we're running out of time.

MR. McINNIS: I'm done.

MR. DEPUTY CHAIRMAN: Okay. Good. Thank you. I just thought you were going to start again.

Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate the articulate analysis of the Charter and of the potential ramifications of section 33. I guess I should indicate here that there is no question among anybody at this table or other legislators that I know of with respect to the protection of the rights that you're talking about. What we have more difficulty discussing is the mechanism used to do that. Section 33 was not put in the Constitution to protect in particular or alone the language rights of Quebec. It was placed in the Constitution because of a feeling that there was a safeguard required against the potential for misinterpretation of the words by nine people who are appointed for a lifetime, and it was felt that the citizens should have some appeal mechanism through that. There are some examples of that concern and how it has evolved in other nations as well as initial concerns here. Do you feel that there should be some safeguard mechanism, remembering that as a Charter this is interpreted not by people selected directly by the public but by a court and is therefore not changeable except through the complex amending formula?

MR. CHIPEUR: Our position would be that if something is that bad, if those nine individuals make such a bad decision and it's so evident, it will be very easy to get the seven provinces and the Parliament of Canada together to amend it, number one. Number two, we believe those judges can be replaced by the politicians that appointed them. Those politicians again reflect the views of the population. Finally, we cannot conceive of any circumstances where the court could go wrong on section 2(a) that would require Parliament to take away a right that has been recognized by the government under section 33, because section 1 is there, and it says very clearly that there are "reasonable limits . . . in a free and democratic society." If the court finds that there is some religious action that is protected by the Charter, and all of a sudden everyone says, "If we allow that, it will destroy the democratic fabric of our society," and those judges missed it, then we can easily change it by amendment. Many other countries have amended their Bills of Rights over time when courts have not recognized an important right, usually by expanding rather than retracting.

I can't think of a circumstance where section 33 would be useful or relevant with respect to a Charter right. I would suggest that if there is a concern with other freedoms, and we make no comment on that, then section 2(a) as well as some other sections, section 3 and other important rights within the Charter, are outside the purview of section 33. Why 2(a) should be in there and others out I think we need to analyze. If we can justify keeping 2(a) under 33, then we should leave it there, but we cannot conceive of any circumstances where section 33 would be justified.

MR. ANDERSON: You don't think that the "reasonable limits . . . in a free and democratic society" section give a court enough room to interpret in a way that would be harmful to your particular church or others that would fall under the section?

MR. CHIPEUR: That is possible, but courts and amending formulas have a way of preventing governments from acting in the heat of the moment. We are more concerned as a church about government acting in the heat of the moment than we are about nine judges on sober reflection, who are under no political pressure, acting in a way contrary to a minority. We make a point in our submissions that the greatest problem for a minority is not an autocratic authority but rather the tyranny of the majority. When majorities start to act, they believe that might makes right. Our submission is that included in the concept of a statistical majority in a democratic society is the concept that as a community we must recognize the inviolacy of the human person and the freedoms they enjoy. We as a democracy do not have the right to infringe on those individual rights, and we believe the courts are the best place to protect them.

MR. ANDERSON: We don't have time to get into it now, but could I ask that if you have any evidence of where charters have been changed in other democratic countries quickly to respond to those kinds of words, as you suggested earlier, you send that to us? That would be very helpful.

MR. CHIPEUR: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell, as quickly as possible.

MR. DAY: Just quickly to you, Jerry. You've mentioned trying to do all we can to ensure that Quebec and aboriginal groups stay within the framework of Canada or the Canadian Constitution. We've had representation from aboriginal people who have suggested to us that they are Canadian; they do see themselves as Canadian. At the same time, they've also said that much of the northern lands that Quebec identifies as Quebec are occupied by aboriginal peoples. As a lawyer, can you give us some constitutional either warning or advice on what to do or what to plug into the system now if Quebec takes their referendum? If it is to become sovereign, what assistance legally, constitutionally can be provided to aboriginal lands within the landmass of Quebec who are saying, "We want to stay in Canada"? In 25 words or less.

MR. CHIPEUR: You're asking a question about international law as well as constitutional law. Under our Constitution Quebec has no right to leave, so there is no legal question. The question doesn't arise under our Constitution. If we have the political will to do something, we can do whatever we want.

Now, there's also the question of international law and whether international law would recognize a unilateral declaration of independence or something like that from the province of Quebec. If it did and Canada didn't take military action to stop that, then there would be nothing that we could do. So I think all of the questions are political. None of them are legal, because there is no provision in our Constitution for a province to secede.

MR. DAY: Well, I guess that begs the question. So legally, from your perspective, we have nothing to offer the aboriginal peoples within Quebec should they move in that direction.

MR. CHIPEUR: Oh, no. Politically we can offer them whatever we as Canada choose to offer them, and Quebec has no right to say no to that legally.

MR. DAY: Okay. Thank you.

MR. CHIPEUR: Politically, that's where it gets . . .

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Very quickly, Mr. Chairman. I was just reading your paper relative to aboriginal concerns. In there you stated that "treaties should be replaced with specific rights, freedoms, and powers for native groups in the Constitution." I just wondered: what specific rights and freedoms and powers would you suggest for that particular group?

MR. CHIPEUR: I would think that you should take all of the current aboriginal rights that are talked about in section 35 and set them forth in a constitutional document rather than outside that Constitution, almost ghettoized outside. My thought is: in order to make them equal citizens within the country, you need to put in whatever those rights are. It will take lawyers and judges a long time to determine what they are. Maybe we can agree on what they are politically before that happens. I would say that whatever rights and freedoms and powers that they have right now and that the government wishes to give them should be spelled out very clearly within the Constitution.

MS CALAHASEN: So everything that is presently within the Constitution is what we should be looking at versus adding other specific rights?

MR. CHIPEUR: I'm not against adding other specific rights. I think that when you recognize aboriginal peoples within the Constitution, you're going to have to look at – and I know the province will look askance at this, but you've got section 91 powers; you've got section 92 powers; maybe we need a section 93. Well, there is already a section 93, but the idea of recognizing that there is this political group within Canada and that they need certain rights in order to govern themselves, just as other groups within society govern themselves.

7:30

MS CALAHASEN: Following that question, in terms of self-government, then, you're talking about relative to what should really be looked at in terms of rights, which would sort of dictate that there should be a definition of self-government at that point.

MR. CHIPEUR: Whatever self-government means. A province, I guess, has self-government; a municipality has self-government; Parliament has self-government. I'm not taking any position on what self-government means, but I think the Constitution should be the place where it is, not in treaties that, with respect, are hundreds of years old and create all kinds of questions for both sides about what they really mean. I think it only hurts us to fight over those words. If it's in the Constitution, then everyone is treated equally and with dignity.

MR. DEPUTY CHAIRMAN: Thank you very much.

MR. CHIPEUR: Thank you.

MR. DEPUTY CHAIRMAN: The members have made it difficult on the Chair in its commitment to time. In any event, the next presenter will be Warren Forgay. Welcome, Warren. We'll try not to make up our total loss on you.

MR. FORGAY: Mr. Chairman and members of the committee, I would like to thank you very much for giving not only me but everyone else this opportunity to come and speak. It is not often that we have this chance to come and speak to you. My presentation is a fairly broad one. I'd like to go through the main points that I've made in it.

In the reform for a new Canada, on the second page – I don't know if you have copies of my report or not – the first thing I have there is Senate reform. There's been a lot of talk in the media about Senate reform, but there hasn't been very much talk about Senate reform as is usually meant by Albertans when they talk about Senate reform. I think it's very important that if we're going to have a country that works, a federal government that works, we need a reformed Senate. In my opinion, the only kind of reformed Senate that really means anything is a triple E Senate. If we have a Senate with just one of these three Es, we don't really have a reformed Senate; we have sort of a sham. So I'd like to go through these.

The first one is the aspect that it's equal. By equal, I mean equal by province, not by region or some other defined term for equality. The reason for this is that if we talk about equality in the Senate in terms of regions, what we're in effect doing is giving superior status to Ontario and Quebec as provinces in the Senate, a superior status which they already have in the House of Commons. Secondly, to give superior status to these two provinces really shows, in my opinion, that there's a lack of understanding of what a Senate is for. A Senate is not a representation-by-population body. That's what the House of Commons is for. That's why we have it. If it is going to represent the smaller regions, the smaller provinces, the northern territories, we have to have equality in the Senate. The United States has Alaska, with 500,000 people, and California, with 30 million people: two Senators each. It works quite well. It works well in Switzerland, Australia, the Federal Republic of Germany. It will work here too. I haven't heard any arguments that say it won't work. It's just that some people don't like the idea of equality in the Senate, so they're going to raise objections which, in my opinion, are of no real substance.

Of course, the Senate has to be effective. If it has no effective powers, why have it? Why not just abolish it, which is what some people have suggested?

The third point is that a Senate should be elected by the people; it shouldn't be appointed by the Prime Minister. I'll get into that later, about how much power a Prime Minister in Canada really has. If we don't have an elected Senate, we are going to continue to have these regional squabbles and tensions, and perhaps the federation will not survive. It just will not survive when you have a House of Commons run by Ontario and Quebec deciding policy for the whole nation. That is not a true federation, and it does not make for a good country. I know that these views will not be popular in southern Ontario and Quebec, but if we are going to have a say in the nation, if we're not going to be treated like colonists any longer, then we have to have an upper House which respects the outer regions and has a voice for those outer regions.

Going on to two, we have an amending formula for the Constitution called the 7, 50 formula. This is a fairly good one because it does not give a veto to any one province. It does not cause one province to be treated "more equal than others," to use George Orwell's terms. However, the current formula allows the Constitution to be amended not by the people but by elected representatives, politicians, and unfortunately, as we saw in the Meech Lake process, politicians do not always represent the wishes of their people. Once they get elected, there's often the idea: "Well, I'm elected for four years. I can do whatever I want, and the people have no say in the matter." When the Meech Lake process came along, I don't recall that there were any hearings in Alberta on it at all. It was just passed in the Legislature, and that's it: "Here you go, people. Here's your new Constitution, like it or not." That, to me, is a shameful way to amend the Constitution. It is unworthy of a democratic country like Canada. I can see it working in a country where 95 percent of the people are illiterate and have no education and don't know what's going on, nor could they care because they're too busy just trying to scratch out a living, but it's not worthy of a country like Canada.

My formula would be 66 percent voter approval in the nation as a whole and 51 percent approval in a majority of seven provinces; in other words, a 51 percent approval in seven provinces and 66 percent in the nation as a whole. The reason for this is that it prevents Ontario and Quebec from acquiring again a veto over constitutional change. As long as they have a veto, we're never going to get anywhere. Canada will continue to be what it's always been: Upper Canada and Lower Canada running everything.

For the sake of Quebec, they should be granted a veto over their Civil Code and over language matters. However, I do not think they should be given any kind of veto over cultural matters, which there's been some talk of: let's give Quebec a veto over matters of culture. The reason for that is: what do we mean by culture? Unless the word "culture" is very carefully defined in the form of thesis and antithesis, we could find the whole process of veto overridden, and we will see that Quebec will in fact be granted a veto over anything it wants because the word "culture" could be defined so broadly that it can mean whatever they want it to mean.

I'd like to refer you to a book called *Fuzzify!*, by James Boren, on how bureaucrats can take a term and, through what he calls adjustive interpretation, make it the opposite of what the legislators originally intended it to mean. You might have had some experience with that; I don't know.

Three is the Supreme Court. Currently our justices to the Supreme Court are put in there by the Prime Minister. The BNA Act, I believe, talks about the Governor General doing it, but the Governor General does it on the recommendation of the Prime Minister, so in effect the Prime Minister nominates Supreme Court justices. Now, this is too much power for one individual to have, in my opinion. The Supreme Court is a very important body. It has a great deal more power than it did prior to 1982. For a Prime Minister just to put on the court whomever he wants without any review by the Senate or by the House of Commons or by any of the provinces or by anyone else I think is a very dangerous trend. We could see a Prime Minister in the future pack the Supreme Court with whomever he wants. He could get elected and say nothing about the issue, but once he's in office, he could put in the Supreme Court whomever he wants. So I think we should in this instance go to the American system, where the Supreme Court justices are nominated by the Prime Minister and are confirmed by the Senate, by a majority of Senators. But this would of course require a reformed Senate. Right now we have an unelected Senate, which has no real legitimacy in the eyes of the people of

Canada. So I think this is too much power to give a Prime Minister, and I think it should be reduced substantially.

7:40

Number four is parliamentary supremacy, and this was abolished in 1982, when we adopted an entrenched Charter of Rights and Freedoms. Now, normally this would be okay; this would be fine. But in the current state of our society this is a dangerous development because it's going to lead to what has been called government by judiciary. What happens is that you get people on the Supreme Court, as we've seen in other countries, who then do not interpret the law; they make the law. And there's some temptation, perhaps, for some elected representatives to say: "Oh, we'll let the court deal with it. It's too politically hot an issue for us to deal with. Let's leave it to the courts." We've seen this with a number of issues. I can think of examples, which I can give you if you want them.

What has happened since 1982 is that we've increasingly seen all sorts of litigation by special interest groups, political pressure groups going to the Supreme Court suing one another and having the idea: "Oh, well, the court's going to be politically sympathetic to my side, my view. So if I sue, I know I'm going to win, whereas I know if I went to the people in a vote in an election, I wouldn't get what I want." I think this causes a great increase in expenditures to the general public because in the long run the people pay for all these litigations and suits and countersuits. As you know, lawyers don't work for free.

I do not share the optimism some people have that we can leave all our rights and freedoms in the hands of a Supreme Court, and they'll be darned sure to protect them for us. I don't share that faith. They may have the robe, saying "I'm a justice," but underneath they're human beings like everyone else. These judges have the same politics as everyone else. They have the same personal feelings on certain issues one way or another that everyone else has. What I see happening is a trend going towards an oligarchy. You have an oligarchy of judges, and they're there for life.

MR. DEPUTY CHAIRMAN: Really, 75 years old.

MR. FORGAY: Seventy-five, more or less. If the Prime Minister appoints who he likes at the age of 35, that's a long time.

To me this is a very real threat to democracy. It's not democratic at all. To some extent that's a good thing, but in this particular time of history, in the 20th century, I do not think it's a good idea. I can go into specific reasons why I don't think it is a good idea later on.

I suggest that if the Supreme Court makes some outrageous decision, let the people overturn it in a referendum by a convincing margin of, say, 75 percent, not by the Parliament or the Legislatures but by the people. The Constitution belongs to the people. It doesn't belong to the Parliament or the Legislatures; it belongs to the people. At least, that's the way I conceive a parliamentary system and a Constitution.

Number five is House of Commons reform. Under Canada's current system backbench MPs, especially those on the government side, are unable to effectively represent their own ridings. There's a partial exception for southern Ontario and Quebec because the federal government is formed and controlled by them, so naturally they will listen to their people from those particular areas. But outside that the answer is usually no. In Canadian parliamentary tradition we have party discipline, which is more tyrannical than in any other parliamentary system I know of in the western world. On almost every issue everybody is required to vote on party lines unless there's a free vote, and free votes aren't very common. In my opinion, the government should not be deemed defeated except on an annual budget. So if it loses a vote in the Commons, it is not obliged to call a national election. Under the current system if the government loses a motion to adjourn the House at 3:15 instead of 5 p.m., it could consider itself defeated and have to call an election, and that's why we have party discipline.

We furthermore have a system where between elections Canada is, in effect, a mild dictatorship. For five years we have the Prime Minister and his federal party, who run the whole country. We have no say in what happens in the meantime. A six-week election campaign is simply not enough to address the concerns that can arise over four or five years. This may be why Canada's political parties take virtually the same basic position on so many issues, because they're all run out of Ontario and Quebec, two provinces that essentially run the whole country. On page 6 I have a list of 13 issues where the political parties take almost entirely the same positions, the exception being free trade. These are all very important issues in my opinion: triple E Senate, deficit spending. Because they are run by those two provinces, all the political parties will take basically the same positions. How that's come about really goes beyond this. We have this situation where all these parties federally take virtually the same positions on all these issues. Combined with that you have rigid party discipline, Parliament accountable to the people once every four or five years, and an unelected Senate. You have what is in a lot of ways a sham democracy. It is not really very democratic at all.

Number six is the First Nations. I'm reluctant to speak on this because I know so little of it. I'm not well informed on it. I would like to see our native people in Canada be given a great deal of autonomy over their own lives: control their own schools, their own lands, their own resources. However, I don't want to see Canada become a Holy Roman Empire, where you have 300 petty states which are actually independent countries within a country. I don't think that would work. I don't think it would be for the benefit of Canada or the native people themselves. But beyond that I don't want to comment, because I'm really not informed on that area.

Number seven is a balanced budget. The federal political parties are swayed by vociferous special interest groups and have shown themselves either unable or unwilling to engage in and practise fiscal responsibility. I therefore propose that this be taken out of the hands of elected federal officials entirely. They should no longer be allowed to spend more money than they take in in taxes. The federal government must be required to balance its budget annually, and if it wishes to have an unbalanced budget, it must be required to go to the people on a referendum for annual approval to have an unbalanced budget. I give my approval in here of 66 percent approval to have an unbalanced budget, which the politicians must go to every year if they wish to continue having an unbalanced budget. They must deem it an emergency situation.

Tax reform. Canada's current taxation system is far too complex. I propose going to a flat tax and exemptions for the poor and needy who really can't afford to pay taxes at all. Where our tax money goes should be told to the people the way they do in Switzerland. The government would send you a form every year telling you exactly where your tax money has gone, what they're spending your money on, and what it's for. If the people think the government isn't spending enough money, they can tell the politicians, "We want you to raise our taxes come next election." I don't think that'll happen, but to me that is the way democracy should work.

Number nine is citizen-initiated referenda. In Canada today there is, like it or not, a very deep suspicion and cynicism about any elected official. The feeling is that once they get elected, they become little dictators and the only people they listen to are vociferous special interest groups who have the time and money to go out and complain and get what they want. I therefore propose that we go to citizen-initiated referenda. This is to keep elitist special interest groups as well as elected officials from becoming rulers over the people instead of servants of the people. Canadians should be able to initiate referenda on their own through such as the collection of a certain number of signatures, and such referenda should be used to override unwise or unpopular decisions of politicians. I will give examples that people have talked to me about: 30 percent pay increases, tax increases after being elected promising not to raise taxes, or allocation of taxes to areas that people don't want them allocated towards. These issues would not include amendments to the Constitution. That's a separate affair altogether.

7:50

Number nine, official bilingualism, as it's called, should be abolished completely. There should be no government-funded official bilingualism. This is not to say that bilingualism is not a good idea, but it's to say that taxpayers' money should not go towards it. I think it should be only retained for currency, Parliament, and the federal courts. What has happened with official bilingualism is that you become a de facto, second-class citizen if you're not bilingual, which means in effect that you must be fluent in French and fluent in English to become Prime Minister. In other words, 85 percent of Canadians can never aspire to be Prime Minister of their own country, because they're not officially bilingual, nor will they ever be in a country where you have so many people speaking French in one province and so many people speaking English in their daily lives in all the other provinces. Canada is simply too big a country for that. What I propose instead is a little later.

MR. DEPUTY CHAIRMAN: Warren, I can't say I disagree with very much of what you say, except we do have this time problem, and we've now gone five minutes over the allotted time. It's not that the Chair is trying to shut you up, but we would like it if you could summarize as quickly as possible because there are other people who want to present.

MR. FORGAY: Okay. I didn't realize it was overtime.

My other points here. Abolition of multiculturalism. Government funding of special interest groups should be abolished. I propose education reform, which to me is essential to religious freedom. Property rights should be included. Constituent assembly: I don't think it will work. My last ones are family protection, immigration, and human life amendment. But if there's no time, I won't go into them, because I don't want to take up others.

MR. DEPUTY CHAIRMAN: We do have a copy of your presentation, and it certainly will be considered. I want members of the audience to know that we do have a complete text of the presentation, and it's not that we want to try to deny a person's freedom of speech. I heard the comment about somebody else that went 10 minutes over. Unfortunately, that was mainly as a result of lack of discipline of the members of the committee, and the Chair regrets that greatly.

MR. DAY: We didn't enforce party discipline, unfortunately.

MR. DEPUTY CHAIRMAN: Warren, on behalf of the committee – and I know I agree with you more than some other members of the committee – I want to say thank you for a lot of work. You've gone to a lot of work in making this presentation, and you've done it in a very articulate and clearly reasoned way.

MR. FORGAY: Well, thank you very much. I was hoping for feedback – criticisms, points, suggestions – but maybe we can leave that to another time.

MR. DEPUTY CHAIRMAN: Well, as the Chair has already pointed out, there will be other sessions of this committee before the process is complete. But we do have this problem today with other people who have come.

MR. FORGAY: Well, thank you very much for letting me speak.

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter is Neil Sheppard. Welcome, Neil.

MR. SHEPPARD: Thank you, Mr. Chairman and the rest of the committee, and a special hello to Stockwell.

MR. DAY: Hi, Neil.

MR. SHEPPARD: I know his wife better than him, but . . .

MR. DAY: I'll need clarification of that in the question period.

MR. ANDERSON: You know the better half of the family, though.

MR. SHEPPARD: Yes.

You have a copy of what I'm going to say right now, and I've made a couple of submissions previously, which are on file. This just kind of highlights it.

Before I get into this, just a comment to share with you that I'm representing myself as a citizen, if you want to call me that, and my family. That tone will come out as we go through here. At times when I first got the pamphlet and thought about responding to it, as is the intent, I felt like I was going to try and put out a forest fire with a glass of water. That's the image I've got of trying to get some input into the process. I know I've been reassured otherwise, but I wanted to share that with you. It was difficult to get going, and I hope I put my thoughts across well. So I'll just go into my document.

Just as an introduction of myself, I'm a father of three teenagers – it's going to vary just a little bit from what's on here – and my oldest one gave me the privilege of being a grandfather about five months ago. So I'm speaking from my own personal experience as I go through here. I was also not born in Canada, which is interesting, yet my ancestors have been part of what is presently Canada for hundreds of years. That means Newfoundland. I was born there before they joined Confederation. So I consider myself one of the originals, and so do my ancestors, because we've been here for lots of years. I consider myself an Albertan and a Canadian at the same time. I don't think they're in conflict whatsoever, and that will come out also.

There are three areas I want to voice my opinion on. One is provincial and federal responsibilities. How do you draw a balance between the interests of regions, provinces, areas, towns, and as Mayor Reimer pointed out, municipalities, and those of all of Canada and a whole, federal and provincial? There's no easy formula or set of rules to follow. The federal and provincial counterparts must be in constant dialogue to achieve the best balance. That "must" is kind of a recommendation where I come from. I don't pretend to have the answer. The end result I see in the best mix of whatever we come up with working together, federal and provincial, is going to end up something like: you can please all of the people some of time, some of the people all of the time, but you can't please all of the people all of the time. I think that's a fact of life that people are going to have to live with, whether it's Quebec or Alberta or whatever.

When the Constitution was written 123 years ago, the provinces at that time formed a bond, and they needed autonomy. They were hundreds of miles apart, and there wasn't much way to communicate or to get between them, so they needed some uniformity. At the same time, they needed to act independently. It was just the situation at the time, but today the rapid travel and communication and everything that's happened has really shrunk Canada in size. There are a lot more interdependencies than there were before, and I think there's a lot more impact of one province on the rest of Canada even within your own boundaries. I point at Fort McMurray, and the oil sands and the OSLO project, as an example. That one project within the province of Alberta has tremendous impact on the rest of Canada. It couldn't have been done 100 years ago; they didn't have the technology.

So things have changed; Canada is not what it was before. I really support the effort, and we have to relook at the Constitution and see if it still fits, or we've got to modernize it, or we've got to do something with it. Probably the wording may have to change. I'll get to it a little bit later, but in saying federal or provincial, I'm not trying to support a stronger or weaker central government. That's not the intent here. I think the answer is that the two governments have to work together. We have to get a balance here. They have to be partners trying to work on the same problem, not in opposition. My impression is that at times we're in big opposition. I heard some comments earlier about the Senate and that type of thing, what's happened in the judicial system. Those are in conflict. I don't see us working together, and it needs to happen.

The second topic I'd like to voice my opinion on is rights and freedoms. Today there's a great clamour for freedom. Some of the freedoms I don't like. There are lots of good ones, but here are some that I don't agree with: freedom to put pornography in literature, on television, in movies; freedom to set up clinics and perform abortions, and that's killing people; freedom to teach human secularism in schools but not teach the values that our Constitution was founded on by the fathers 123 years ago. Young people, youths and teens – and I talk from experience here; I can speak for my children – are given freedoms, and they're pushed on them. They are not prepared for the freedoms and the choices that are put before them, and that's out there. So my question is: where are the children of this society learning their morals? If that freedom is being exercised in literature, in movies, on television, where are the children of this society learning their morals and values from? From soap operas, from shows like *Dallas*, *Married . . . With Children*, the show *Dinosaurs* that has just come on? I could go on and on around . . . If you look at them, what they're actually coming across with or what the kids can pick up – I'm not saying they all are, but what they can. Where are the strengths and the proper structures for strong family being taught? I submit that there isn't too much out there if it's not taught in the home. Everybody is entitled to their rights, and I support it. Freedom of rights: I'm not against that. But along with rights come responsibilities: responsibilities for one's own actions, responsibilities to one's own family, responsibilities for placing a burden on society or infringing on other individuals.

8:00

The first right is the right to life. This right covers the broad spectrum of the life of the elderly, who no longer contribute to society in a significant way, to the life of an individual person, who starts at conception and not at delivery. There's a very recent case in British Columbia. Midwifery was the case, and the Supreme Court there said there are absolutely no laws to protect a fetus till the child is delivered. As soon as they're born, we've got all kinds of laws in place. I see holes happening here. Rights go through extremes.

Again I'm struck by the need for a balance, a balance of individual rights and freedoms against the rights of other individuals and society as a whole. The seat belt law in Alberta is an example where the society has restricted some rights because of the cost to society. I do not have a problem with the direction of societal rights such as seat belts or charging offenders for physical acts; that's in married couples and that type of thing. There's a place for that. The individual's rights and freedoms must be the first priority, with limitations being put in place because of other impacts on other people.

The third area I'm just going to talk on is the aboriginal constitutional matters. Canada is like a rich stew to me, full of many ingredients. Each ingredient contributes flavour, texture, and other things. The stew would not have the same flavour without any of the ingredients or all of the ingredients that are there. Canada's many ingredients are its many nationalities and cultures. The diversity of the cultures is what gives Canada its unique flavour.

I have lived in three provinces in Canada: Manitoba, Ontario, and here in Alberta now for the last 10 years. In Ontario I lived half a mile from the Quebec border, so you can almost say I lived in Quebec. I was born in Newfoundland. I've been in every province in Canada, and the flavour is the same throughout Canada except for pockets. You get a town that's totally French or totally Ukrainian. The flavour is the same across Canada. I guess I propose that that flavour stay where it is. We've got to watch that something doesn't take over the flavour, that something doesn't come out.

We've talked about Quebec, and we've talked about the native people. As in the stew, each separate ingredient loses something by joining in the meal or in the stew but also gains something from the others. Some ingredients maintain a strong identity while taking part; others are lost almost totally. The ingredients cannot take something from the stew and be completely untouched. You can't just take and give nothing back. You're going to lose something.

I'll just go down to the last. I support the desire for the recognition and preservation of aboriginal cultures in Canada and in the Constitution, if it's necessary to put it there. They contribute to what Canada has been, is, and will be in the future. My concern is the recognition of one culture over others, singling some people out, and it has to be done without a cost to the total of Canada as a nation.

In summary, I'm not content or satisfied with society as I see it today. The Constitution is a major cornerstone of the Canadian society that my family and I live in. We will not and cannot have a healthy society or an effective Constitution incorporating proper morals, values, and ethics, again, entrenched in our way of life, our laws, and our Constitution until we revive the importance of the family and all the freedoms and restrictions that go with that.

Lastly, I would like to think that to a politician the positions they fill are more than a job. I've never heard anyone say otherwise, but I really hope that's the case. They should not be trying to please the majority of their constituents simply for re-election. Politicians are more than a mouthpiece for their constituents. They must have the opinions of their voters in mind when they discuss an issue, but they have been elected to represent us as they see fit during their term in office. They have my support to do just that. If I disagree with my elected representative, I expect to talk to them personally. I can say from experience that every time I write a letter, I get an answer. Every time I make a phone call, I get a phone call back. I have never been brushed off and not gotten an honest answer.

I therefore charge this task force and other politicians to forge ahead in their efforts to revisit the Constitution and to find the proper fit for Alberta and Canada.

MR. DEPUTY CHAIRMAN: Thank you very much, Neil.
Barrie.

MR. CHIVERS: Yeah. Just very, very briefly, Neil, focusing on your last comments with respect to the politician not seeking simply to please the majority. I'm interested in that because that runs counter to a lot of the submissions we've heard today where people feel very strongly that the politician's duty is to reflect the majority will. Indeed, they've been suggesting that there should be very easy recall provisions so that the majority can recall the politician. What are your comments with respect to rights of recall?

MR. SHEPPARD: Okay. Again I'm going to revert back to a family situation. That helps me put it in perspective and maybe helps explain what I want to say. As a father in a home, I feel it's my duty when an important decision comes up to poll the family, to take opinions and see what the direction is. Obviously, if I have three children, which I do have, although one is married and away from home now, they are the majority in the home. But because they haven't been around as many years – they don't have the white hair, and they don't have the experience or learning – their opinion is taken into consideration, but then a decision has to be made.

I feel a similar situation often exists with politicians. There are some issues out there, call it the Constitution or call it the different things that came up, and I think the responsibility to get the input of the people is there, and that is used to base the decisions the politicians make and how they vote. I would expect that the majority of the time they will represent the majority of their constituents; that's my feeling. To go against the majority doesn't make sense to me for a politician, not in the flavour that I was saying, that they are there to represent the people, if they're truly there to represent them. I don't think you run into a conflict. I think the politician will.

Now, we heard some comments, which I don't want to talk about and am no expert in, on party lines. So somebody goes and there's a vote there and they're against the main party line; what happens? That's a whole different issue. But I'm still back to the spot that says: my representative, I voted for him, and if I sense that he's going to vote against where I'm at, I'll go and talk with him. I'm not saying he's got to do exactly what I want because there are thousands of others in this constituency that are not going to agree with me, so he has to listen to everybody and make that decision. I feel that if he's right, the majority of the people will know he's right and he'll get elected.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Neil, for a very graphic presentation, and we're right on time.

The next presenter is Mr. Alex Rose. Welcome, Alex.

8:10

MR. ROSE: Thank you, Mr. Chairman, members. I have submitted my submission in writing. I'm not going to dwell on it at length. I have additional copies here if any of the members need one. When I submitted the one you have, there were quite a number of typographical errors, and I've had those corrected and renumbered. The page numbers and the content are unchanged; another appendix was put in and that kind of thing just to tidy up. So I would like that, if I may, Mr. Chairman, to be sort of the official submission.

MR. DEPUTY CHAIRMAN: Yes, that'll form part of the record.

MR. ROSE: I think, Mr. Chairman, members, that many of the presenters have touched on issues that I'm going to try to avoid repeating. Any of you that know my interest know I'm a triple E supporter in terms of the Senate. I'm going to try to touch on that at the end. There's a lot of material here. I don't propose to go through it in detail. I'm going to try to highlight what I think are particularly important issues.

The first thing I'd like to start with are the reports that have come out of Quebec – I have copies of them here – the Allaire report and the Bélanger-Campeau report. I want to tell you my impressions. These were written by separatists for separatists. These documents are contradictory. They're ambiguous, they're naive, they're hypocritical, and they're illusory. I'm going to give you some examples of that. I find these simply incredible documents in this country at this time. It's as if it's another world.

In the Bélanger-Campeau report, which I would describe as the Quebec Camelot, I propose to refer to a couple of passages because I think they have special significance in the context of these reports. Of course, I can't deal with the context of the reports because they have to be read. But the first thing that strikes me as being very important is this passage on page 15 of the Bélanger-Campeau report:

> The 1960s marked a turning point in Québec society's assumption of its own development. Quebecers' perception of themselves has changed, especially among the French-speaking majority. Before, French-speaking Quebecers were more inclined to see themselves as French Canadians and a minority. Now, they see themselves first and foremost as Quebecers and are acting more and more like a majority within their territory.

Now, that simply means power in my view. I think that's the most revealing comment throughout these two reports.

Starting on page 33 and through 34, 35 of the same report, the authors bring together what I call three qualities that they say characterize the rest of Canada. They attribute these to the

1982 Constitution. I don't agree with that, but that's what they attribute it to. In any event, I'm going to very briefly mention these. The first equality is:

> The equality of all Canadian citizens from coast to coast and the uniqueness of the society in which they live. The equality of cultures and cultural origins in Canada. The equality of the 10 provinces.

Then they go on on page 36 to say:

> The vision of an exclusive national Canadian identity emphasizes the centralization of powers and the existence of a strong "national" government.

I suggest to you that's contradictory. Then they go on and say:

> This vision appears to have a levelling effect: an exclusive national Canadian identity centred on the equality of individuals actually becomes a prohibition for Québec to be different as a society.

Now, I agree with those three observations. I believe the people of this country have come to that decision. If, however, we go back to pages 20 and 21, let me show you some of the contradictions and ambiguities in this report. I don't like using the word, but I almost feel that it's propaganda.

> As in the case of other Western societies, Québec's population has diversified in recent decades: the guarantees of democracy, equality . . .

What guarantee of equality after what we've just heard?

> . . . and freedom that it offers underpin the relations which [have been] established between each newcomer and Québec society.

Then on page 21:

> Today, Québec has all the attributes and characteristics of a modern, free and democratic, pluralist society open to the world.

Now, you've got to put that in contrast with majority rule of that kind of democracy.

> Through consensus and collective effort, it has developed a dynamic culture which animates its political, economic and social life.

I, of course, do not agree with the conclusions of the Bélanger-Campeau commission. I think it's revealing, and I'd very briefly like to touch on some of the dissent and those who did not vote as to the report.

The first one is by a Mr. Jean-Pierre Hogue. He has this to say. When he was dealing with the commission and sitting on it – he was a member of it, of course – he said that he always had to take into account that he was sitting as a member for a Quebec riding and he also represented the governing party in Ottawa, so for that reason he didn't vote. I'm trying to be careful about taking lines and sentences out of context, but I think they're important; they're the nub of the thing. He says this:

> Québec must choose between Canada and independence and Quebecers have not reached a real consensus on the road to take.

The next thing:

> Although the report makes an incontestably positive appraisal of today's Québec . . .

I think in a sense it does, even though it's illusory.

> . . . I would have preferred that it put that political, social, cultural and linguistic development in the real and beneficial context of Québec's participation in Canadian life.

This is in another part of it, on page 119:

> I firmly believe that Quebecers do not want to break up the country they took centuries to build.

Now, that's a Francophone Quebecker speaking in opposition to the main report.

The next one is Richard B. Holden, who is a member of this new Equality Party in Quebec. I'm not going to dwell on this because I think we can almost anticipate what he's going to say, but he says this on his behalf and on behalf of Robert Libman, who's the leader of the Equality Party:

> It is our conviction that much of the information, testimony, and evidence chosen to appear in, and to guide this report, is non-factual and based upon "myths".
>
> We believe that three false perceptions guided the Commission to arrive at the recommendations it did:
>
> i) The false belief that Québec was left out of and insulted by the 1982 patriation of the constitution.

This is supported by a number of the members. They do recognize that there was very broad support throughout Quebec society for the patriation in 1982.

> ii) The false belief that the failure of the 1987 Meech Lake Constitutional Accord represented the rejection of Québec by the rest of Canada.
>
> iii) The false belief that the federal system and minorities threaten the flourishing and survival of the French language and culture in Québec. All evidence demonstrates the contrary.

Now, I'd like to very briefly tell you a few comments made by Mr. André Ouellet of Quebec, who is an elected representative. He dissents from the majority report. He says this:

> The Report speaks most eloquently of Québec as "a complete, modern society, open to the World". But the Commission fails to mention that Québec's progress has been made within Canada. Since the Quiet Revolution . . . the people of Québec have managed to get along quite well within a federal framework.

8:20

The second observation he makes is that "the Report implies that Québec has constantly denounced the federal government's interventions and encroachments," and he says that's not so, if you look at the social programs of national importance in this country. He says that the Bélanger-Campeau report "speaks of twenty-five years of fruitless constitutional debates," and he shows that that is not correct.

I think, finally, this. The report sees sovereignty as plausible, even easily attainable. That is totally unrealistic. It is time to stop playing with words. Sovereignty means separation. Either the people of Quebec remain in Canada or else they separate and are no longer Canadians. Now, this is from a son of Quebec. He's simply re-emphasizing what his colleague on the commission, who is also a son of Quebec, had said.

I just want to touch very briefly on a couple of matters on page 58 of my submission. I want to deal with what I call the three equalities. My submission, incidentally, was written before I received the reports from Quebec, but I had reached the same conclusion. On page 58, I say this. I submit that the majority of Canadians have already decided the fundamental bases on which their nation is to proceed: that Canadians are one another's equal, that no individual or group within Canadian society shall have special status, and that the people of each province and territory shall have equal constitutional status. And then I go on and bang my egalitarianism drum. Now, in the report of the Spicer commission, that is the thread that has run through every hearing of the Canadian people except, in some instances, in Quebec: that we are all one another's equal. I see that as a triumph of a fair and just society. The Bélanger-Campeau report itself echoes those words but uses the comments by the people I've quoted in a different context. In that connection, I think those decisions have been made, and the Canadian people are now waiting for and anticipating those ideals to be implemented. If they're not, I think we're going to have very severe problems in this country.

I want to say a word about bilingualism, and here I may differ from many of my fellow citizens, although I recognize their frustration and concern. I refer to page 30. I think the time has come that if we're looking ahead and hopeful that the people of Quebec will continue their building of this nation with the rest of us, it's too late at this time to talk about the elimination of bilingualism or the termination of two official languages. I don't have any problems with that as long as other languages are not prohibited or discouraged. This country needs every means it has in linguistic diversity and flexibility in order to flourish. We have an enormous challenge ahead of us. For instance, if we were to be practical, we would say, "Inside Canada, of course we should learn French." Twenty-five percent of our people have French as their mother tongue. But if we look outside our country, especially in this province and in this part of Canada, we should be teaching our children as fast as we can, and we are, Japanese, Chinese, Korean, and Spanish, because that's where our economic future is heavily slanted towards.

Finally, I have this to say. The learning and use of two or more languages will enhance our intellectual capacity individually and as a society. That's, I believe, a proven, scientific fact. Bilingualism is also the means whereby the vitality – and I don't think anyone can criticize or deny the vitality of modern Quebec. It's the way in which it can find itself in the bloodstream of Canada. Bilingualism is an investment in our destiny and in the world community, and I think we have to look at it in that broad a perspective. We're too often too introspective, and we forget how others view us in this great experiment that this country has embarked upon of trying to accommodate all these things and strike the right balance.

At the same time, I want to talk about failure, if it comes to that, in this country, and success is not guaranteed. This commences on page 54 of my submission. I start off by saying that Canada cannot fail, only Quebec can fail. Now, there seems to be a belief generally held in this country, but more particularly in Quebec, and it is now in legislative form, that as long as you democratically decide you're going to be sovereign and secede, you can do so ipso facto. A previous speaker said that that's entirely wrong, that there's no constitutional mechanism to secede. If there's no constitutional mechanism to secede, Canada decides what's going to happen because Canada has to surrender its sovereign powers, say, over Quebec. It's the only way it can occur in our law.

In my view, an absolutely nonnegotiable imperative for Canada is to maintain her territorial integrity. If you will refer to the appendices in the Emergencies Act, you will see those very words appear in that statute that replaced the War Measures Act. It talks about territorial integrity. I've submitted in my submission here that if it comes to that, all land of Canada south of the St. Lawrence except the Gaspé will remain Canadian territory in the event of separation and secession, and in order to maintain the integrity of our northern borders and our northern frontier, all of what was called the Ungava territory will remain Canadian. The rest of it can be Quebec sovereign.

I've also mentioned – and someone raised the question here tonight – the protection of the aboriginal people, Canadians of aboriginal origin. I'm thinking particularly of the Ungava area, although not entirely. I submit in this submission that the lands that Canadians of aboriginal origin occupy, whether by treaty or as a matter of fact, such as Ungava, will remain under the protection of Canada.

In these reports from Quebec they talk about the repatriation of power to Quebec. What I'm talking about is the repatriation of territory and land to Canada if it comes to that. You simply can't have it both ways, and they want it both ways. As I point out in my submission, the old phrase "je me souviens," I remember – I'm not quite sure what we remember, but we remember it; I think it's the past. I say we can remember as well: nous nous souviendrons aussi. We can remember that we gave Quebec not only the Abitibi territory, which I'm not proposing be retained by Canada, but the Ungava territory. Those were gifts from Canada. Those weren't conquered or earned by Quebec; those were gifts from Canada. So I think we need to address ourselves seriously to these matters.

I've also said that the object is not to punish Quebec, and I've suggested that we have a common market. But it's essential for the future of this country and our children and ourselves that this problem be resolved, because it is holding this country up. Canada always comes first, and that's going to be the price of separation. I now want to deal with the triple E Senate. This question was raised in the Alberta discussion paper on page 15.

8:30

MR. DEPUTY CHAIRMAN: Alex, I'm not trying to be rude in any way, but we have now gone over by three or four minutes, so we hope you can . . .

MR. ROSE: Can I have just a couple more minutes, Mr. Chairman?

MR. DEPUTY CHAIRMAN: Okay.

MR. ROSE: I've got here the triple E report produced by this province – Dennis Anderson was the chairman – the leaflet that tells the history of this. We were right in '85; we were right in '87; we are right today about the triple E Senate. The triple E Senate is not a taking from Canada, it's a giving to Canada; that's the difference. We should stay with those principles. I am convinced from watching this for seven years that this is the answer.

Finally, Mr. Chairman, we've had a lot of talk about referenda, and I think there are two referenda we need in this country. I've just got this submission.

MR. DEPUTY CHAIRMAN: Thank you.

MR. ROSE: The first referendum we need is to determine that common values and principles still exist in this country generally. I am convinced. I know they exist in Canada outside of Quebec. I am not convinced that they do not exist within Quebec; in fact, I believe they exist within Quebec. Our problem is: how do we get to the people of Quebec with this barrier of propaganda raised against us? So why don't we have a national referendum and ask ourselves: are these things – and I've set some out here as examples – we all can agree with? If we can find that common ground, the rest of the problems can be solved. If we don't have those values and freedoms, we cannot solve the other problems. It is the answer to the political elite of Quebec when they say, "We are distinct; we are different." That is the answer: the common values. How you express those may be different.

Then I go on into referendum two and say: if we agree on those, how do we preserve them; how do we operate them? Of course, what I've done here is basically tried to unfold what in my view and opinion is an effective Senate, which accommodates many of the issues being raised today, including a constituent assembly.

That's my submission, sir.

MR. DEPUTY CHAIRMAN: Well, Alex, on behalf of the committee I'm sure I speak for all of us when I say that you've certainly done a lot of work on this and have demonstrated your deep commitment to the continuation of Canada as a very concerned Albertan. Thank you very much.

The next presenter is George Thatcher. Is George here? Please come forward. Welcome. Nice to see you.

MR. THATCHER: Good evening, and thank you very much. My name is George Thatcher, and I'm from the Condor area, 40 miles west of here. I haven't presented any submission directly to this committee, but I have sent suggestions to my local MLA and to the Spicer commission on some of my ideas. I won't take very long. I have a few brief ideas that I'd like to discuss.

The reason I'm here is that I sense a profound sense of cynicism on the part of many people in our society, not just the young people but old people. The spectrum is quite wide. I think that cynicism is based on some fact. I sense that when I see our politicians of local or provincial or national levels. They seem to play games. It seems that whenever a member of Parliament or a Legislature presents an idea, the opposing party individuals must condemn – it seems to be a game – rather than seek compromise and unity and work for common causes. It seems to be a football game: see who's going to carry the ball and who can score points, et cetera. So I believe there's a sense of cynicism, of bitterness, and in some cases downright hatred of the political process. I know of individuals who have been members of political parties for years and are not members any longer. They just will not associate with political parties any longer. I think we need to look at why people have these bitter feelings towards a political situation. So I have come up with a few ideas, and I hope you will look at them, I hope that our national leaders will look at them and then maybe seek some resolution to some of these things.

First of all, I would like to mention that Franklin Delano Roosevelt, President of the United States from 1932 to '45, was a man who believed that when faced with problems, one didn't say: "Well, it can't be done. This is the way it's always been. It's tradition. I don't think we should do it." The idea behind the New Deal, and I think the idea behind FDR, was that we have problems; let's try some ideas. If they work, fine; if they don't work, cast them aside and try something new. But to sit back on tradition, or to sit back and not do anything, I think is wrong.

We get a feeling in this country that we have royal commissions, and what happens after they're held? What happens to all the submissions? What happens to all the dialogue that takes place? It seems to vanish, and then two or three years later someone creates another commission. So I think that's where the cynicism lies. Are we carrying through with some of these ideas, or are the meetings we go through just a facade? In other words, give the people an illusion that we really care about what's going on and then forget about it later. Or we may have already decided ahead of time on a decision, will go through the process of having meetings, and then afterwards just do what we were originally going to do.

Harry S Truman was an individual who came from Missouri and who said, "Show me." Canadian people want from their leaders action, not just words. The time has come when you have to make a stand and then carry through with some of these things even if they are unpopular. That means that we look for political leaders who are willing to stand up to their own political parties and say, "The unity of this country is more important than the welfare of the party."

I propose that our leaders should do as the Americans did: maybe meet in a constitutional convention somewhere. I'm not saying in Ottawa, but get together and decide that compromise is the key condition, that we must sacrifice our own individual needs or wants for the welfare of the whole country, that maybe we have to give up something in exchange for the unity of this country. Now, if we look at the American experiment, if one looks at the articles of confederation, there were 13 states, 13 countries with their own individual armies, their own stamps, their own monetary systems, their own embassies, and it wasn't working. In a sense we have a Canada that has 10 countries, with provinces vying for political power vis-à-vis other provinces or with Ottawa. We have a situation where two provinces, because of their population, control the political destiny of this whole country in many ways. Is that fair? What happens to the rest of the people of this country?

What the founding fathers of America said was that a compromise had to be made to protect the interests of those large states that have large populations and those states with small populations. So I think we need to look at a situation, as some people propose, of a triple E Senate, where we in the smaller provinces or the sparsely populated provinces have equal representation in a federal government. So in a sense I support a triple E Senate.

If Ontario and Quebec and other politicians are not willing to realize that we must grant all the people in this country equal representation, then I suggest that we are not going to have a unified country as we now have.

I think we need to realize that compromise has to be made with all the political parties. I know that's hard to follow and hard to accept, considering the fact that in our parliamentary system, when a person is elected to office, by and large he must answer to his own party first, even though I think many politicians want to deny that. As soon as a politician goes against his own party, what happens? So I think the answer is compromise. Here are a few suggestions I have, and I won't take long.

8:40

As I said, we need an elected Senate to protect the political regions of this country, the smaller provinces, and I suggest that maybe we seriously look at the American plan. I'm not saying that is a perfect plan, but I think we need something to protect the smaller provinces.

No special status. I firmly believe that the minute you start creating special statuses for people and special statuses for a region or a province, you automatically discriminate. We have to make some provinces understand that you cannot say, "You are going to have something that another province cannot have"; for example, the notwithstanding clause. In other words, the rest of the people will have to abide by the Constitution; however, if we don't like what's happening, we will opt out. That's the attitude of, "Well, if you can't play by my rules, I'm going to go home." I don't think that works. I think that when we start catering to special interests, whether individual or provincewide, we have a problem.

Many people look at politicians and they seem to see that they're in it to be elected over and over and over and over and over. I think that's where some of the cynicism lies, because we see individuals in office – I mean, there are good people, but they're in office for an almost indefinite amount of time, 10, 15, 20 years. So I suggest that maybe we look at limiting the term of office for politicians to maybe two terms. That way a person is in office to serve his country, not just to serve his own political career. Maybe after two terms a person steps aside and lets somebody else run, lets somebody else carry the ball for a while. For example, in some companies, in some businesses, people are moved from position to position. In other words, you're there for a while and then you're moved on and let somebody else take the ball.

We need new ideas. We need people who look at the country, serve their state, and then step aside. Now, I know that might sound like a radical idea, and I know some of you who have served for quite a number of years may view that as a radical idea and may not like that idea, but I sense that some people may say, "Well, I'd be interested in running for office if the individual is not going to be around for the next 20 or 30 years." So that's something to look at. In some societies that is already done, by the way. I'd like to add that in other countries there are limited terms of office, and once that term is over, you must step down automatically. I think people would respect that.

It's been suggested before, but I think we need to look at the recall of individuals from office, not because they stand against the majority – as a matter of fact, I'm an individual who stresses individuality, that people need to stand up and say what they have to say and not be afraid of what the majority feels. What I am concerned about is that whether at the provincial level, the local level, or the national level, we see where corruption, patronage, nepotism is almost vogue. People say that that's the way it's always been; therefore, it's okay. It's okay for a Prime Minister's friend to get a job. It's okay for a provincial leader to grant someone in his community special concessions. I don't think that's right. That does not create efficiency. That creates cynicism, because then the attitude is: "Well, we're elected. We're going to do the same thing." I don't think that's right.

I think we need to look at a situation that if the people feel that an individual has gone against his constituency or his country or has committed a moral misconduct or corruption of some kind, then if he or she is not willing to step down, the people should have a right to say, "You must go, and we're going to have an election and have a recall." I mean, we have individuals in this province, for example, who will not step down even though they have committed an offence. We have individuals in other provinces who use loopholes in legislation to delay the judicial process. Why is that? Why is that allowed? Why can't the people say, "Enough is enough, and let's get the job done." So I believe in the recall.

I also believe that in some cases maybe national referenda need to take place. If our leader is not willing to take action on some issues, be it the GST or capital punishment or whatever, then I think the people should have that right to vote on matters that they feel are important. When one looks at, let's say, capital punishment or the GST, where 80-plus percent of the public was against some of those issues, what happened? I think some people question that, and I think that creates cynicism.

I think one way to restore a belief in our political system is to create a system of government where there's a system of checks and balances, where things that are passed in the House of Commons have to go through a Senate and be ratified and passed. If they're not, then they have to meet together in sort of joint committees, and then it goes on and is signed by the Prime Minister. Then, if it violates constitutional matters or someone questions the decision, someone can appeal it to the Supreme Court of Canada or to the provincial supreme courts. At least there's a system of checks and balances, and I think that would restore the faith of the people in the political process.

Another issue I want to bring up – and I've mentioned this briefly before – is that unless it pertains to national security, I'm a firm believer that the people who run our country should not withhold information. Unless there's a justification for withholding information, that information must be public knowledge. This idea of hiding behind secrecy laws I find very offensive. I don't find it democratic when an individual who's been elected to government says to me, "No, I don't have to tell you." I find that wrong, and I want to know answers, straight answers. I don't want someone to say: "Well, because of some secrecy, we can't divulge this information. We have to protect vested interests," whatever. I don't like that. That's another cynicism that so many people have in this country.

Another area that I propose – and again this is quite radical – is that individuals who run for office should run only in their riding. In other words, we have had at the provincial level and at the national level individuals who, because they cannot be elected in their hometown, run someplace else. I do not believe that serves a democratic society. If the people in your own community don't want you, why should you buy or a member of another riding hand you over his seat? You should be elected. People view that as buying your way in, and that's another cynicism, I think, that needs to be corrected in our country.

Last of all, I think that another way of curing the cynicism that is in this country about the way things are run is that all civil service positions, all jobs, whatever, should be based on merit. People should be chosen or elected for positions of trust based on merit and qualifications, not because they're related or they have contributed vast amounts of money to the campaign chest of a political party. Again, that's a cynicism that's viewed by a lot of people, not just myself. I think if we can show people that, yes, John Doe got his position because he was the best qualified person and not because he happened to be friends with somebody in political power, that would go a long ways to ending some of the cynicism that's in our society.

That's it. Thank you very much.

MR. DEPUTY CHAIRMAN: George, thank you very much.

The next presenter is Joan Nelson. Welcome, Joan. Nice to have you with us.

8:50

MRS. NELSON: Thank you.

As a Canadian it distresses me that we seem determined to destroy our country. Last summer my husband and I returned from a trip to England and Europe to discover that our army was at war with our native peoples, and I had to ask the question: why? This past year seems to have been a very troublesome year throughout the world. Some have real problems, such as war and starvation. We seem to be busy creating our own problems here. We should be working together to build on our strengths, of which we do have many. We are among the most fortunate people in the world. I'm tired of hearing about how we or they must have more, separate, et cetera, et cetera. I love this country and do not wish to see it destroyed. I realize that we do have problems, but I know that we can work them out.

I'd like to thank John Oldring for sending me the brochure. I'm not so sure I should thank him for sending it to me just during Easter holidays, which meant I got to spend three or four of my days reading this book rather than holidaying, but anyway I thank him.

I have read it and have attempted to answer some of the questions. I am a very concerned citizen and realize that I do not have all the answers to the questions that are asked in this paper. However, I think it's important that as a Canadian I get involved and try to understand the concerns of others. I feel very fortunate to have been born in Alberta, Canada, and to have grown up in a small farming community here. Truly I am among the most fortunate people in the world. I'm saddened that we as Canadians seem to have developed a me-first attitude.

We must take a good look at our unique and great country and start working together to make it even better. Let's not give other nations such as the United States – which I do admire, and I do like people in the States. I'm not an American basher. But I do not want them to take over our land or resources. I do not wish to become part of any other country. As Canadians we must learn to co-operate and share with each other. We must work as a unit to make our national government strong if we are to succeed as a country.

The following comments are based on the discussion paper and are not detailed.

The Constitution. I think the main consideration is that it should be fair, and this cannot be confused with equal. It should be fair for all Canadians. It must emphasize a strong central government. We cannot survive as a federation of units. By the way, I do have a copy I will give you, so you don't have to write all these things down. I'm sorry; I should have given it to you before. We must allow and encourage differences. This is what makes our country special and unique. I do support multiculturalism. Myself, my background consists of English, German, Norwegian, and so on. I'm very proud of that.

We must keep federalism. Canada is not too centralized but too decentralized. All we have to do is travel across this great country to know that, and believe me I have done that. I have driven across this country and have enjoyed every minute of it. We must continue to use our parliamentary system with modifications as needed.

We must allow provinces to leave Confederation if they wish to. They must understand that such a move would result in no further benefits from Canada. We cannot force people to remain in our Canada, but we can develop a climate that would encourage them to do so.

All provinces should have the same constitutional responsibilities. This one was a difficult one for me because both of my mother's parents came from England, but I think we should reconsider the monarchy. Maybe we can't afford it any longer, and maybe we've grown up so we don't need it in the present form. No province should have special status or powers or be seen as unique. Federal institutions, the confederal union of countries, as you've suggested in the paper, should not be considered. Likewise, regional economic association and independent nations: neither of these options should be considered, in my opinion.

The triple E Senate. I'm one that says forget the whole idea altogether. Why do we have a Senate? Maybe we should look at the Senate and do away with it. That's my opinion.

National elected representatives must represent the interests of all Canadians, not just those of their region, party, or special interest group. We have too many special interest groups running this country right now. Similarly, provincial representatives should represent everyone in the province, not just the people in their party, region, or special interest group. All decisions made at every government level should be based on what's best for our province and our country rather than what's popular or on whether or not this will get the party elected for the next term. And could we do away with the pre-election handouts, please?

Economic policy. Natural resources, environment, and trade should be Canadian responsibilities. We must make Canada strong. Economic principles should not be in the Constitution due to the need to respond quickly to appropriate changes.

Social policy. I believe that people are our most important resource in this country. We must ensure appropriate funding and delivery of funds for all Canadians. Standards should be set by the federal government. There must be universal access to quality medical care and social and educational programs. This should be a federal responsibility that may be delegated to the provinces for implementation. Health, education, and social programs must be a priority for all levels of government. I might add that as a middle-class taxpayer I don't mind paying for these things as long as it is done in a manner that people are benefiting. I believe that if the middle class of this country rose up and said, "We are no longer going to pay our taxes," this country would be in big trouble.

Rights and freedoms. Generally, if we look after making provision for individual rights, group rights are also taken care of. I agree that we also need to consider the area of responsibility here. The Charter should not be amended to apply to relations between private persons. I don't believe that government can or should be all things to all people.

Bilingualism. I believe Canada should continue to have two official languages. That is one of our strengths, but I do not believe we can insist that all of these services be entrenched in every province. There should be a certain amount of willingness by the provinces to carry out bilingual policies, but we cannot force people into these things. The Constitution should not clarify what is meant by sufficient numbers to warrant public funding of minority language instruction.

In the area of aboriginal constitutional matters I think the Oka incident last summer certainly should have told us something. We do need to settle land claims and to settle them now. We can no longer afford to procrastinate in this area. We must consider changes to the reserve system, giving aboriginal people the opportunity to determine their own destiny. We must consult with the aboriginal peoples regarding ways to improve their education and health care systems and give them the responsibility and resources for making appropriate changes. The aboriginal peoples are the only people that should be considered distinct and must be treated with more respect. They must be given the opportunity to make their own mistakes and learn through the process. The aboriginal people should not be guaranteed seats in the House of Commons. I believe this act would be viewed by most as patronizing. The aboriginal people, if given suitable educational opportunities, will be represented more fully in the House of Commons.

9:00

Amending the Constitution. I believe hearings should be conducted jointly by federal and provincial governments, and a joint federal/provincial commission should review the proposed amendments. No referendum is needed for our leaders to do their job. This does mean making decisions, hard decisions that are based on what's best for Canada as a nation. Many of these decisions will not be popular but must be made if we are to survive as a nation. This also means that our elected representatives at all levels must listen to and be in touch with the people.

Last year my husband and I had the good fortune of participating in an exchange with some people from England. I would just like to tell you what they had to say about Canada when they spent two weeks with us. In Canada you have everything: space, variety, resources, beauty, and friendly people. It's too bad that many of us do not value what we have. We must become more familiar with people from all over Canada and join together to build the finest nation in the world.

Yes, in Canada we do have everything. Now we must work to keep it.

MR. DEPUTY CHAIRMAN: Thank you.

The next and final scheduled presenter is Vic Douglas. Welcome, Vic.

MR. DOUGLAS: Thank you, Mr. Chairman and members of the committee. I will give you this copy. I brought only one. This presentation has been prepared by the Red Deer-North PC Association and as a result probably has a little bit of a political leaning.

MR. DEPUTY CHAIRMAN: Well, you're not the only political organization that has presented. We've heard from all parties.

MR. DOUGLAS: Canadian federalism and other systems. As we look to the constitutional challenges currently confronting our nation, the Red Deer-North PC Association believes that all provinces should have equal constitutional status. We believe the concept of a confederal system would effectively address and promote regional equality within a central authority throughout elected bodies of representation.

Federal institutions. We commend the Alberta government in its efforts towards Senate reform, and we believe Alberta must remain committed in leading the way for a triple E Senate. We believe this must continue to be a priority with this government as it will lead the way in ensuring that views of all regions are taken into account in national decision-making. The Red Deer-North PC Association believes executive federalism can be a useful process if it is used to ensure adequate regional representation and to effectively accommodate regional interests at a national level.

Distribution of responsibilities. It is the opinion of Red Deer-North that there must be a more equal balance in the distribution of powers between federal and provincial governments in terms of program delivery and revenues generated. The current equalization system may be tempered by an elected body of representatives such as a triple E Senate. Studies currently show that Alberta has a net loss or it pays significantly more into federal coffers than it does receive. That's not necessarily wrong, but it does not necessarily seem fair either. History has gone on for a long time in that vein, and it's beginning to wear.

We believe that the Canadian Bill of Rights adequately addressed the fundamental human rights and freedoms before the advent of the Charter of Rights and Freedoms. Under the existing Canadian Charter of Rights and Freedoms we feel that the emphasis has shifted negatively from an emphasis on responsibilities to an emphasis on rights. We have a concern that the federal courts can use the Charter to overrule decisions of provincial law-making authority. Some discussion needs to take place on defining limits of federal jurisprudence vis-à-vis a provincial jurisdiction. We believe strongly in the fundamental principles of life, liberty, and freedom.

Bilingualism. Red Deer-North wishes to applaud the Alberta government for its initiative in passing the 1988 Alberta Languages Act, making English the official language of the Alberta Legislature. Further, we strongly believe that Canada should have only one official language, that language being English. Should the provision of current bilingualism policies continue to be entrenched for all provinces, our answer is clearly no. However, each province should be free to decide on a regional basis where a second language service may be required or may be provided depending on the needs of that particular community or area. We further state that in our opinion the Constitution should be based on principles and not be entrenched with arithmetic formulas to warrant public funding of minority language instruction. The decisions with regard to those types of issues should be on a regional basis, not on a federal basis.

Aboriginal constitutional matters. The Red Deer-North association clearly and strongly opposes the suggestion that Indian bands form an 11th province or a third nation. We would, however, recognize local self-government status within Canada with responsibilities similar to those of a municipal government. We encourage aboriginal Canadians to define self-government for themselves and for the rest of us as Canadians. While we believe that aboriginal people should be welcomed in the House of Commons, the Senate, and the provincial Legislatures, we oppose any legislation guaranteeing seats.

Amending the Constitution. We believe that the existing amending formula would work well with the division of powers as suggested, based on a confederal system. Our concern is that whatever method is chosen, regional or provincial interests are preserved, protected, and respected.

The Red Deer-North association commends the Alberta government for its forward-thinking and effective initiative at the direction of Mr. Getty in publicly seeking and acknowledging the views, concerns, and suggestions of all Albertans. We are confident that through this process of hearings, Alberta will be respected throughout Canada for its positive impact on the constitutional challenge. We thank you for the opportunity to participate in this important process.

MR. DEPUTY CHAIRMAN: Thank you very much, Vic.

That concludes our scheduled presenters. The committee has notice of eight more presenters and therefore would ask those presenters' co-operation on time because pretty soon the committee is going to get to a point where it's not going to do much good whether we're here or not. We might be here in body but not in mind. If those people could try to keep their presentations to 10 minutes and shorter if possible, I think it would be more effective both for them and for the committee.

The first presenter would be Joe Docherty on behalf of the Red Deer Catholic board of education. If Joe could come forward, please.

Sorry to keep you waiting so long, Joe, but it's nice to see you.

MR. DOCHERTY: Thank you, Mr. Chairman and members of the committee. I am privileged to be able to talk to you, if only for five minutes, and it's on a specific topic related to the Canadian Constitution, that of minority school rights. I'm here representing our school board, of course, the Catholic board of education in Red Deer, but also through them the 7,000 electors who are Roman Catholic and support our schools in Red Deer. I've already given you a one-pager which I hope is brief enough but is detailed enough to give you a brief outline of some of the things I want to say tonight.

I want to start at the end of the page, really, with my recommendation and, because of that recommendation, to talk to you very briefly on some of the topics which I think you already have a pretty good grasp of. Nevertheless, I think it's important to review the rights of minority schools as we can trace them from the BNA Act of 1867 to the Alberta School Act of 1988. As you know, in 1867 section 93 of the BNA Act protected dissentient schools, the schools of the minorities that had been established at the time of the union, and protected thereafter the minority schools that would be in existence in any part of Canada that would thereafter join the union. In the case of Alberta when Alberta was still part of the Northwest Territories, the ordinances of the North-West Territories of 1901-02 repeated the protection that the BNA Act had already given to minority protestant and Roman Catholic schools. So in the case of Alberta when it became a province four years later in 1905, the Catholic schools at that time, which were mostly in the minority, were already protected. The 1905 Alberta Act therefore took from the Northwest Territories' ordinances what the ordinances had taken from the BNA Act and re-established the rights of minority schools. So from 1905 on in the Alberta Act, which gave us union with Canada, really, as an independent province, the rights of minority schools continue to the present day.

9:10

It was in 1988, Mr. Chairman, that the Alberta government itself decided that into the School Act preamble would go a statement that Catholic school boards across this province had been asking for for a number of years. The statement was simply that Alberta public education had two dimensions: public schools and separate schools. Having placed that statement in the preamble, the Alberta government was clearly recognizing the fact that minority schools in Alberta had equal status with their public counterpart from the point of view of taxation. Really, when we talk about minority schools and you get down to the bottom line, it's the power to tax. When we talk about private schools in Alberta, we're not talking about the same kind of education, and I'm not here decrying private schools. I'm talking about public schools in their two dimensions: the minority schools that are allowed to tax, which would be the separate schools, and of course the public schools, which are their counterpart but much larger in terms of numbers of students served.

So I think what our school board is asking you as a committee to relay to the Alberta government is that the rights afforded minority schools since the BNA Act, in our case specifically Roman Catholic schools because we are in a minority in Red Deer, and repeatedly reinforced through legislation thereafter right up to the 1988 Act of Alberta, be protected continuously in any discussions that take place between our government in Alberta and other provincial governments, of course including the federal government, if any changes are to be made in the Constitution for Canada. We consider that the rights we were granted in 1867 are inalienable, and our government in Alberta has been extremely supportive of minority schools in this province, more and more so as the years have progressed. I think if you trace the Alberta legislation through its various school Acts, you'll see that more and more protection and more and more funding has been afforded the minority schools, particularly, as Alberta is growing commercially, in the area of industrial and commercial taxation.

So having said that, it's extremely important to understand that not only do we think we have a historical root going back all the way to the original 1867 BNA Act but also we have proven ourselves as minority schools through the years. To that extent, Mr. Chairman, I would ask you examine the top of my one-pager, specifically about Red Deer Catholic schools. Red Deer Catholic schools next year will have almost 3,000 students. When I came as superintendent of schools 20 years ago – it doesn't seem like 20 years ago, but in fact it's 20 years ago – we had a budget of $900,000. Next year we will have almost $14 million. The growth in our school district in the last five years has averaged 10 percent per annum. I would ask you to examine growth in school districts across this province in the last five to six years, and you won't find that high a percentage. What I'm saying here is that minority schools are doing the job. Parents are convinced they're doing the job, and they've been doing the job since before Alberta was a province. I would hope any attempt by anyone in Canada to take away those rights would be sharply opposed by our Alberta government, a government that has been steadily increasing its support for separate schools, and I think rightly so and in keeping with our Constitution.

Mr. Chairman, the details of our own school district are extremely interesting to us who are local, but we thought that you as outsiders might like to see what the Catholic school board is doing in Red Deer. We're a progressive district, and you can see from that one-pager that we're growing at a rapid rate. However, the most important part of the one-pager comes at the bottom, and if you don't mind, I'll read it to you. We're recommending that the Select Special Committee on Constitutional Reform ensure that any Alberta involvement in the Canadian constitutional review process include initiatives for the protection of the separate school rights offered at present to Albertans under the Canada Act of 1982, particularly referring to section 93.

Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Thank you very much, Joe.

The next presenter is Rudy Deboer. Welcome, Rudy.

MR. DEBOER: Thank you very much. It was interesting. I've been here since the afternoon and for the evening, and I deliberately wanted to listen to everybody's point of view. What it caused me to do is take my own and throw it in the garbage, so this is going to be very short.

I think there are a lot of issues along with the separate issues that we have in this particular proposal and some of the issues that are created, but I think we're missing the biggest one, and we keep on doing that with several of the documents that we continuously read, analyze, pile up. If you want to come down to my office, I went through about two stacks. I could fill this whole table, as a matter of fact. When I came this afternoon, my car was full of it, and it's still there. I found myself again looking at the same things that we keep rehashing over and over, but we keep missing one great question. I'm going to state it right here: I am a Canadian.

Some of this I can read. I banged it out on my computer because I started to look at the things that I was reading which are of great concern, but I also went a little bit further. I said that with all of these things that are brought out, as we discuss them, we still put the cart before the horse. First, before we can even discuss the Constitution, before we can even discuss whether Quebec has its issues and whether Alberta and B.C. have their issues and we go on and on, what we have to do is we first must recognize that each one of us is a Canadian – not French Canadian, not German Canadian, not Japanese Canadian, not Pakistani Canadian – before even discussing what changes should be made to the Constitution. You cannot try to change a Constitution to create pride in citizens when we have an identity crisis, and that's what we have.

In order to do that, what we have to do is forget for a moment all the influences that take us away from that thought. Why? Interestingly enough, I cannot get an honest definition from individuals as to what a Canadian is, basically because we somehow don't seem to be able to acknowledge ourselves without attaching a condition such as our personal culture, former country, or religion amongst scores of other descriptions. Another note that I just saw on the TV tonight – I don't know if you remember this sitcom of Doug Mackenzie sitting in a bar. Did you know that we're recognized more for the term "eh" than we are as Canadians? I can ask Americans and people that come as immigrants to this country, "What's a Canadian?" They'll tell me the "eh" word, but they can't tell me what a Canadian is.

9:20

Since we have refused to give ourselves that particular identity that should be common among every citizen of this country, we cannot define what we expect our country to accomplish through its Constitution. Should we ever be able to accomplish this, we should also ask what a constitution is. And this is another thing I notice. I've read documents, papers: everything. I even went to a dictionary. A dictionary basically says that it's a set of laws. That's not enough for me. What I also thought is that I'd be able to find it in some of the documents on the presentations here, but nobody defines what a constitution is. What are we trying to accomplish with this thing? Before we get people to make a comment on it, how can we comment on something and change something that we don't know anything about? I had a conversation with a neighbour during suppertime. Just out of curiosity I asked, "What's a constitution?" Nobody can tell me what a constitution is. Sometimes I even wonder if I can. But we have to ask what it is and for what purpose it exists before we can even attempt to make recommendations and do anything like that.

We haven't achieved that common definition, yet we continuously attempt to revise this entity that is most important to this country. I confess that the only way I can relate to this important document is to look at it and consider it, and I think we have to look at it as: how does it assist me? I can't turn around and say, "How does it assist you as Mr. Stockwell Day, as Mr. Stan Schumacher, Mr. Anderson, and everybody that's sitting there?" You're all fellow Canadians. It's supposed to help satisfy a need for myself to get me going. It's supposed to satisfy a need to give me directions. It's supposed to satisfy a need to encourage me to achieve everything that is humanly possible with my own identity and my own abilities, and it's not doing that.

We must look at this document with a neighbour. We can't look at it ourselves. I think it's more important that I look at it and ask my neighbour what he thinks it should mean to him. The moment I can understand what it's going to mean to that neighbour I will achieve anything this Constitution has to offer. We are so busy looking at what it will offer for me. We're into this "I want" syndrome, and every recommendation we make is "I want." Yes, I can say this with a little bit of authority. I work with people on the street. I work with every nature and kind, with people who are disabled, people who have religious backgrounds, people . . . I don't care who they are; when they come to my office, they're people. We've got to throw some of this out of that Constitution. We've got to throw out groups that are minority representatives or whatever it happens to be. There are no minority representatives. When I want to talk to you, any gentleman, any Vietnamese, any Japanese, I'm talking to a human being eyeball to eyeball and I'm not looking at minorities. I am looking at it as: I am here, you are there; what makes you tick?

The Constitution has got to address what makes each individual tick. All our endeavours always seem to lean toward what's good for me and my group, not how we can help to assist in better co-operation with other persons around us in this country. I use the terminology "great country." I'm starting to wonder if there's a difference between a country and a great country. You can't have a great country if you don't know what you're here for. What we must learn is that a constitution is not meant to guarantee every aspect of life so we do not have to face any negative consequences, as that will always be impossible. This is where a lot of our legislation comes in. And I sympathize with politicians; I wouldn't want to be a politician if my life depended on it.

What I am also saying – I've heard comments from different presentations and so forth. I will toss one thing back at the citizens, and I'm one of them: you can't put it in the government's lap. You can only work with what you have, and everybody here has to put much of their own endeavours into it, otherwise it will never work.

We must remember what is positive and good for one individual when we make these recommendations or we forget this also. What may be good for Mr. Schumacher in some of the issues that come out may be totally irrelevant to me. I might face you and say, "Hey, what works for you is not going to work for me." That is one of the reasons why a constitution cannot cover every individual need; it's impossible. We have 20 or 22 million people here, and in another four or five years it's going to double. We would need about 45 million recommendations. Let's see you enforce that.

How do you determine whose concern to address? We have to put some thought into this. It can become clear that a constitution is not meant to address each individual's personal concerns but should be meant to form a guideline that will accommodate Canadians' concerns as a team. The moment we start thinking back and saying we are Canadians as a team, we might get something out of a constitution. We can relate to our sports and we all have hobbies and whatever, but it could be more important than that. We take a look at hockey or whatever it is and find that all the rules and regulations are to improve the efficiency of a team. We are Canadians; we are part of a team of a country called Canada. We have to start thinking that way. As Canadians we have the common ground of team members, and we must try to create consultation so that each team member has a common goal he or she can share with all other Canadians no matter what race, religion, or anything else that might appear as an influence.

Like any team, all members are not guaranteed that other team members will be interested in their extracurricular activities. It's just like any other team. When I play football or hockey with somebody, I can tell you that half my team members will not go home and do what I want to do, and I don't expect them to do it, but I can still live in co-operation. I don't turn around and say: "Okay, gentlemen, since I play with you as a team, we will have a one-legged race. I'm very good at one-legged races. I have an artificial leg, so I'm an expert." I can't expect my fellow man to do the same thing. I can only work on a common ground where we have some common concerns that we can start building as team members.

You and I must also be careful whether our extracurricular activities should be part of Canada's Constitution. We should have the opportunity to practise race, religion, personal ambitions, or anything else in there. Yes, we should have the opportunities, but I do not believe we should make it a right. I think what we have to do is make a right on the constant team member aspect. Yes, you should be given the opportunity to do whatever you want in your home. You should be given the opportunity to go and practise the religion you want. There's nothing wrong with that. I'm not going to condemn anybody, because I'm not right, nor is anybody else – and I'm not wrong.

As long as careful thought is given, needs do not infringe on other team members' rights by attempting to change the guidelines put in place to accommodate all Canadian citizens.

In this constitutional reform we have to redefine rights. We've gone crazy with this redefinition of rights. I'll tell you how we've gone crazy: we haven't added one other thing, and it's called responsibility. Every right I have I have a big, huge responsibility to protect; I have a huge responsibility to try and enact it, and nobody has a right to avoid it. I get people that have rights, whether it's human rights legislation or otherwise, and human rights legislation is one of the biggest promoters of lack of responsibility. I have things – and possibly I will send them to this particular committee – where Alberta human rights conflict with the Alberta labour laws. Alberta labour laws conflict with human rights; it's legislated right in our own mandates. I can show you, because it's driving employers crazy right now. If they do one, they're condemned on the other. If they do the other, they're condemned on the other. We don't know what we're doing half the time.

We do have to redefine rights and seriously consider that word and the damage it has the potential to do and has already done because of no associating conditions to those rights. Currently, the human rights legislation established in our Constitution is creating havoc. Yes, the intent may have been correct. I'll give you a couple of examples, cases in point. We have Canadian human rights with the employment equity, relating to 4 percent federally employed must be of a minority situation if you're a federal company. The problem is that you're creating segregation and discrimination with that legislation. How do you measure it? I'll tell you how you measure it. You measure it by categorizing who's disabled; you measure it by categorizing who's an Indian; you measure it by categorizing who's coloured. How are you going to measure it otherwise? You can't.

Also, what you do indirectly, whether it's federal or otherwise: you are taking away that self-satisfaction. I will never know as a disabled person whether I was hired because it was 4 percent federally legislated or because of my qualifications. I can tell you what the co-worker is going to do. He will define it as: you were hired because of the 4 percent legislation. It doesn't mean politicians are wrong; it doesn't mean anybody's wrong. It just means we have to think things out a little bit better.

Multiculturalism. It's great to know the past of people. I enjoy learning about people's pasts. I enjoy learning about people's heritage. What we have, if you really think about it, in some aspects is that we've turned around and created multiculturalism. Its intent was to integrate people, and I understand what we are doing is creating segregation. Every time I turn around, we have these multi funds that, whether it's for the Indian aspect . . . And I've talked to a lot of natives. I have many friends among them. What we do is teach them to have their own group. We fund them to have their own group as natives. I thought the whole purpose was for me and the native and whoever it is to go side by side and enjoy everything here in this beautiful country. We don't. A better way to advance multiculturalism is to put it into one pot. Take it to your schools, increase it in the educational aspect. It's funny; we know more about the Romans back in 1000 BC than we do of half the cultures here. We don't teach it. We don't turn around and change it and maybe teach some of the basics of what Germany's all about, some of the basics of what the native country is all about. We don't teach the basics of what Holland is about and so forth. Yet we have to live side by side.

9:30

When considering requests by fellow Canadians for more rights, we forget the most affective influence that must be entrenched with these rights. It is very rare, in that a defined responsibility must be attached to any rights that are to be implemented in this Constitution or other documents associated with it. You cannot have rights without having a definition of responsibility. You just cannot do it.

If we must stop this implementation and every legislative right must have a meaning, we must also accept as individuals that we cannot press for constitutional reform based on our own individual needs. It will not work. They must be for the benefit of the majority of the team, and that's Canadians, as a member of the exclusive club – and I like that word; I am an exclusive club, a member of that darn thing, and I'm not going to let go of it – that is open to any individual in the world should they want to abide by its rules. It's like any other club. I don't care if you go to the United States – some people like them, some people don't, but I can tell you something: you never hear them saying, "I'm a Dutch American." You never hear them saying, "I'm a Japanese American." You're an American.

Canada is the home of my team, and I want to be proud of it. I realize that while our country cannot guarantee anything, I have to work to get those guarantees. It cannot guarantee everything, and government can't do it. I would like to say that she will let me chase it, chase anything I want, as long as I want to put the effort into it. She cannot guarantee success; that's my job and every individual citizen's job. The Constitution should be dealt with in this manner.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

Jerry Moore is next. Welcome, Jerry.

MR. MOORE: I hope my brief presentation will be of use to the committee. During the last several years, especially after the failure of the Meech Lake accord, I've heard a number of people discuss the need for increased provincial powers. However, I feel most Albertans believe as I do, that we are Canadians first and we need a strong federal government that will continue to protect the rights of average Canadians.

The Canadian Charter of Rights and Freedoms is the most important document we've added to our body of law in this century. In it we have acknowledged that there are rights that no Parliament and no provincial Legislature should have the ability to overturn. We have enshrined certain individual human rights as untouchable, protected by the law and by an unbiased Supreme Court. While I feel the Charter needs to be expanded, the main problem with it at this time is the right for individual provinces to opt out. Either a human right is a right or it is not. If it is not a right, it should not be in the Charter in the first place. If it is a right, it must be a right for all Canadians.

In addition to a strong Charter of Rights and Freedoms, I feel we need a central government that maintains national standards. Over the life of our province we have been both a have and a have-not province. When we needed help, we received help from our fellow Canadians. When some of our fellow Canadians needed help, we rejoiced in the fact that we had the ability to help them. Who knows what may happen in the future? We need to maintain a federal government with powers to ensure that all Canadians are treated equally and all Canadians have the opportunity to succeed and grow. I feel that all Canadians must have the same basic rights. It would be unfair to allow any province to obtain special rights, therefore altering the rights of the citizens within that province. All provinces must be equal.

We need a strong central government to continue to represent Canada in the world. As global trade increases and we strive to compete in the world, we need a well-run federal strategy to guide us in international competition. Canada is already a mouse attempting to compete with the elephants of the United States, a united Europe, Japan, and other economic superpowers. We must not fragment our already small economic unit attempting to compete province by province. To increase our ability to compete, we must eliminate internal barriers to trade within Canada. If free trade makes sense for Canada internationally, then free trade internally must make sense.

There must be a major redistribution of government powers within Canada, with the elimination of the massive overlap of responsibility that presently occurs. We continue to need a strong federal government, one that can protect our human rights, help business compete in the world, and continue to administer a variety of other federal responsibilities. We need strong provincial governments which will gain some responsibilities from the federal government but surrender other responsibilities to local government. Cities, towns, municipalities, and many other forms of local government are inheriting many responsibilities from other levels of government and must be given the tools to carry these out.

For Canada to survive, we must have strong government federally, provincially, and locally, with the power to achieve clearly defined responsibilities. I am proud to be an Albertan. I am prouder still to be a Canadian. I wish Canada to continue as a strong united country.

MR. DEPUTY CHAIRMAN: Thank you very much, Jerry.

The next presenters are Don Campbell, Mattie McCullough, and Gerry Beauchamp on behalf of the Council on Aging. The committee would invite them to come to the table.

MR. CAMPBELL: Well, Mr. Chairman and committee, I'm sure you've all heard of "gray power", but maybe you didn't think it was going to be this powerful, with all three of us up here.

We of the central Alberta Council on Aging wish to thank the commission for the opportunity to express opinions and offer possible alternatives on the future of Canada, and in particular Alberta within Canada. Let us make it very clear from the outset that we as seniors wish to challenge our fellow Canadians to accept certain evidences and, with these facts in mind, launch boldly into the future. Whether we were born here or immigrated to this nation, we had to adjust and proceed. Now at this stage in our history, all Canadians must do the same. What are these conditions which increasingly will permeate our future? First of all, we must accept the fact that Canada is multicultured and will become more so in the future. The fact that our roots stem from Judeo-Christian principles dictates that we have compassion for others less fortunate. In future years the presence and population of large numbers with other values may well relegate our beliefs to those of a minority. This will demand that we adjust, accept, foster, and accommodate. Entrenchment simply will not work.

The second fact we must recognize is that the age of nationalism is over and we now live in a global environment. Because of our climate, location, and geography, we must emerge to compete in today's world of trading blocs, alliances, et cetera; thus provincial borders must be open to free exchange. Educational and cultural institutions should be open to all Canadians so the potential for personal growth, professional and skilled training may be developed to the end that Canada can compete in a rapidly changing global society.

Add to the above two circumstances a third encompassing technology and one readily can see that change is inevitable. We have at our disposal unlimited technological knowledge. It will speed communication, advance productivity, promote materialism, and at the same time demand emotional and spiritual strength.

9:40

These are but three conditions facing all of us. Is it any wonder a system devised 124 years ago might now require introspection, revision, and, yes, possibly rejection? We must be prepared to do whatever is necessary. What system might foster a Canada free of prejudice, sensitive to the needs of all the people, not forgetting the less vocal and powerless masses? In this category we place the aboriginals, the women, the aged, the ethnics, et cetera. Surely the mark of a great people is the ability to relate to all segments of society. It would appear to our group a model not unlike the one we have, with federal powers enhanced to assure national standards can be maintained in human and social areas. At the same time, it is to be understood that when it comes to administration, the closer the agency is to the clientele, the greater the chances are of efficiency and response to need. In other words, remoteness tends to foster bureaucratic building and less accountability. This would mean that the administration of locally consumed services would best come under the provincial jurisdiction.

In order for all areas of our nation to be assured fair, all-encompassing standards, a revision of both senior Houses of Parliament would be necessary. Sheer numbers from heavily populated areas would necessitate this undertaking. The upper House might well be remodeled on a triple E basis, while a relaxing of party dominance in the lower Assembly would assure greater freedom and flexibility when it comes to representing constituents.

Economic conditions will dictate sound economic planning and in a global setting will force Canadians to unite, not in a protectionist sense but in a co-operative manner. In stressing the economic factor, we would recommend that government's chief business is the creation of a climate for growth, a facilitator rather than a participator. We believe that government either as a guarantor or an active producer can distort the market and possibly lead to patronage.

It seems apparent that a parliamentary model encompassing the following would be advisable: number one, a system that would assure basic human standards for all Canadians; number two, a system that would equalize opportunities for all to reach their full potential; number three, a system that would eliminate expensive duplication; four, a system that would enable beneficial and effective administration; and lastly, number five, a system which would entrench the concept that all parts of the nation might be assured a voice in decision-making.

We seniors have lived many years in this country and look on Canada and Alberta with pride and affection. We are hopeful that a new Constitution can bring peace, prosperity, and happiness to all Canadians. Thank you, and we're here to answer any questions of anybody or take the gloves off or anything you'd like.

MR. DEPUTY CHAIRMAN: Thank you very much, Don.

MR. BEAUCHAMP: Mr. Chairman, I have a supplementary submission, but I'll merely leave it with the administrator here. Thank you, and I hope you'll read it.

MR. DEPUTY CHAIRMAN: Thank you very much, Gerry. You can rest assured it'll be part of the things that form part of our considerations. Thank you.

Our next presenter is Dr. Martha Kostuch. Welcome.

DR. KOSTUCH: As you may have guessed, my presentation focuses on the environment; however, I do have a few introductory comments that are broader than that. I am a Canadian by choice, and I consider Canada a great country to live in. Of course, there can always be improvements made, but I think we spend too little time looking at what makes Canada great and too much time looking at the faults of Canada. I can think of no other country in the world which I'd rather live in than Canada. Any constitutional revisions that are made should be based on what is in the best interest of the people of Canada and the best interest of the environment and not what is in the best interest of politicians, either at the federal or provincial level.

The focus of my presentation is on the environment. The environment is not assigned by the existing Constitution exclusively to either the federal or the provincial government. Each level of government - and I would include municipal governments as well, even though that's not specifically mentioned in the Constitution - can legislate for environmental aspects and matters within its jurisdiction. Areas of federal jurisdiction that may be related to the environment include federal properties, navigation and shipping, fisheries, Indians and Indian lands, and criminal law. The federal government is also enabled to make laws for the peace, order, and good government of Canada, and that's thought to have some fairly major impacts for the environment as well. The federal government is responsible for interprovincial and international matters; for example, the federal government can legislate interprovincial and international air and water quality.

Areas of provincial jurisdiction that may be related to the environment include management and sale of public lands belonging to the province, property and civil rights, and natural resources. In fact, most activities of man have some impact on the environment. Therefore, all three levels of government are responsible for protecting the environment, since the actions of all three levels of government may impact the environment. Since the environment is not based on political boundaries, all levels of government should be involved in protecting the environment.

The existing jurisdictional split of environmental responsibilities is reasonable. The federal government should continue to have responsibility for interprovincial and international matters for fisheries and for federal lands. The provincial governments should continue to have responsibility for natural resources and for provincial lands. A revised Constitution may wish to specifically address environmental issues that are not addressed in the existing Constitution and delegate those to one level of government or the other or to both, where appropriate. I support continuing the balance for jurisdiction in responsibility for protecting the environment between the federal and provincial governments. Any overlap can be dealt with by co-operative agreements or co-operation between the provinces and the federal government.

In addition, access to information, the standing to challenge illegal actions in court, and the right to a clean and healthy environment should be included in a revised Constitution.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Dr. Kostuch.

AN HON. MEMBER: Can we get copies, Martha?

MR. DEPUTY CHAIRMAN: It will be produced in the *Hansard* so we will see it in written form in that manner.

The next presenter is Derryn Yeomans. Welcome, Derryn.

MS YEOMANS: I'd like to welcome you all to Red Deer, too, and just tell you that here we all call it "Stockwell's little group is coming to town." Welcome.

MR. ANDERSON: That's what he calls us in Edmonton too.

MS YEOMANS: I do have copies of my presentation that I'll leave, not enough for all of you, but I'll let you pay for the xeroxing.

I'd like to mention to you that as my sign indicates, I am with the Alberta Advisory Council on Women's Issues, but my presentation tonight is coming from myself individually as a Canadian and as an Albertan. I would like to tell you all that I have a very deep concern for the future of our country and would like to emphasize my personal belief that maintaining our country in its wholeness and its unity is of prime importance.

To this end let me first speak of the process that you're using with these public hearings. I would really like to commend you that you are going out to hear from the average Albertan and taking their opinions to note when you go to the constitutional table. I hope that you'll throw down a challenge to other governments to follow suit. There's been a lot of talk about referenda and constituent assemblies. I think many, many Canadians will not be represented if those are the only means that are used, so congratulations to Alberta for being leaders in that.

9:50

I think it's very important to remember that Albertans and Canadians no longer wish a Constitution based on a top-down process. It should be a grass-roots process, and I believe that our Alberta representatives must put the popular opinions of the public foremost in their minds as they go to the constitutional table. Certainly that message was given when the Charter of Rights and Freedoms came forward. It was brought forward. Canadians rose up and said no; we want to put our voice and have it included. Particularly women were involved in raising a voice there, and other minorities.

In the area of content of the Constitution I would like to say that I work as a professional counselor and social worker, and therefore, as Rudy mentioned, I work with people from all social strata. I have a really grave concern regarding the threat to social programs, and that's what I will mainly present on. It is essential that all three levels of government maintain their commitment to Canadians in need. It's interesting to look around the room tonight, and I'm sure you've looked around rooms ad nauseam over the last few days. There's a lot of suits and not too many people who maybe represent the poor and the illiterate, perhaps the politically uninformed. I hope that you will make some effort to go out and get information from those people, because their opinions count and they are also Canadians. We're not that far away from there in this recession. We could be one of them.

I really believe that national universal standards and levels of service must be mandated for health, education, social services, and also in matters of family dissolution. Universality and accessibility must be foundations on which the decisions regarding social programs are made. I believe that the Canada Health Act provides a good model where federal standards and funding with provincial administration and delivery bring good programs to us. We've just been named number two by a UN study on standard of living. I think we need to live up to that and be very proud of that and not sell it down the river. I believe our Alberta family and community support services provides a very good model for the combination of both treatment and prevention, and again perhaps that's something that can be taken to the constitutional table as an example for other governments to follow.

I believe that the mobility of Canadians demands a national standard in delivery of education. I grew up as the daughter of a banker, and I know what it's like to move from province to province. Every time you move, you're into a new educational system and you're put back or you're moved forward or you really don't know where you are. I really believe that we need to change that. That might happen through core courses or core curriculum, which the provinces individually could then enhance. I believe a national child care program is essential. There must be specific standards of service. It needs to be subsidized by both the federal and provincial governments. I believe we must look at child care in rural areas and approach it quite differently because the needs are very different.

I mentioned family dissolution. I'm speaking of divorce and child custody and access. Again, I believe that needs to be looked at nationally. I do not believe that relocating a child should endanger that child. It is not an answer and should not supersede a court-mandated custody and access decision. I also believe that relocation should not allow circumvention of the law. It needs to be national, across Canada.

In conclusion, I really believe that a solution must be found to keep our nation whole and to ensure that while all Canadians are treated fairly and their differences are respected, the well-being of our nation does not suffer. I wish I were an expert in constitutional law and could tell you how to do that. Unfortunately, I'm not. I only urge you to do what you can to ensure that Canada remains whole and that all Canadians are given fair and equal opportunity.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Derryn.

The next presenter is Salvatore Gramaglia. Welcome, Salvatore.

The Chair congratulates all the presenters during this unscheduled portion for their very great co-operation.

MR. GRAMAGLIA: Ladies and gentlemen, good evening. Last night as I was listening to the radio, I learned about this gathering here and decided to do some work and be here tonight. It isn't much, but I hope that at least I'll put some input into the system.

Now, tonight I'm going to talk about what Canada I would like to see in the future and what kind of change I would like to make now. Mr. Chairman, for the past several months we've heard very often from a lot of very prominent elected politicians and lawmakers what kind of a Canada we want to see in the future, how to convince Quebec to stay as part of Canada, and also what changes will need to be made in our Canadian Constitution in order to have a better Canada to live in.

Now, Mr. Chairman, Canada is a very beautiful country. There are very few places alike around the entire world. In order to improve, protect, and maintain the unity of this great country, only one thing needs to be done, and that is to put behind the origin, wherever you come from, and think as Canadians and make all Canadians true partners in Confederation.

The Canadian political structural framework is built upon three levels of government: municipal, provincial, and federal. Each level of government has its own duties and responsibilities. It is my belief that if each level of government does its job, then there will be no problem at all. One of the problems is that each level of government always wants to have more and give little in return and perhaps nothing at all.

During the past years we have heard a lot about the Quebec demands and especially about the Meech Lake accord. Some politicians will say that if Canada falls apart, it is to be blamed on the failure of the Meech Lake accord. Mr. Chairman, first of all, let me tell you that the majority of Canadians have rejected the Meech Lake accord because the particular document could not have been accepted by Canadians. First of all, the document could not be accepted by Canadians. Everybody has a person to blame about Meech Lake. Canadians shall blame only those very few elected politicians that initialed that document from the beginning.

Now, Mr. Chairman, considering the time limit which I'm allowed to speak, I have some recommendations of my own to build a strong and better Canada. Here they are. One, take down our interprovincial barriers. If Canada wants to have free trade with the United States, I don't see a reason why there shall be no free trade among the provinces. Two, warranty the rights of all Canadians across Canada and seek employment wherever they want to. Three, the wealth of our provinces shall be equally shared. Four, the federal government shall recognize that our provinces are equal partners in Confederation. Five, restructure our justice system so every judge is elected and not appointed. Six, restructure our mortgage system in order to protect fellow Canadians' rights to own property. Seven, have an elected Senate for a four-year term. Eight, have the Prime Minister of Canada elected by the people and not by their own political party. Nine, the provincial government shall address provincial matters, and the federal government shall address national and international matters, with close co-operation from all provinces. Ten, no member of the Parliament of Canada shall use the word "separatism" in order to blackmail Canadians and the sovereignty of Canada. Eleven, create full employment across Canada. Eliminate the soup kitchens; eliminate the food banks; eliminate poverty. There are about 250,000 homeless in Canada, and 1,200,000 children across Canada are living below the poverty line. There are approximately 3,750,000 Canadians living below the poverty line, and that's sad, Mr. Chairman. Twelve, let our federal government pay the gross national debt.

10:00

Mr. Chairman, the strength of our country depends largely on the strength of our leaders. If our leaders are following a particular political platform in order to improve their political and personal images just to be re-elected, then we're in trouble. I hope this is not the case.

Most recently Canadians have been asked whether we should allow Quebec to leave Canada or to remain in Canada as a member of Confederation. If you want me to answer this question, I would tell you that the answer is no. Canadians shouldn't allow Quebec to leave, not just because Quebec didn't get what it wanted to have but because Quebec is part of Canada. The sovereignty of Canada is not negotiable. There may be some differences in the ways we are thinking, but we want to get all those things to build a better, stronger Canada. Each province in Canada must learn to live within its means, and each province's demands must be in line with other provinces.

If Quebec separates from the rest of Canada, there will be consequences. Canada will disintegrate for the reasons that the federal government shall stop any movement which will destroy Canada. I also wouldn't want to see the leader of a political party in Quebec go across Canada and tell Canadians how he's going to destroy Canada. Certainly not.

As far as the Canadian Constitution is concerned, the Canadian Charter of Rights and Freedoms has served Canadians well. If Quebec wants to be part of it, all they'd have to do is just sign it as it is. If it needs to make amendments in the Charter or needs to add to other sections, all our federal government has to do is just add an extra page in the back, but leave the front page as it is. Any of the laws which might be introduced and then passed in the House of Commons should always be aligned with the Canadian Charter of Rights and Freedoms. I hope that our politicians are listening.

This is what kind of Canada I would like to see, Mr. Chairman. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Salvatore.

The final presenter of which the committee has notice is Mr. John Ginter, who is representing the RCMP Veterans' Association. I'd ask John to come forward, please.

MR. MULHULL: Mr. Chairman, we are actually two members of a committee.

MR. DEPUTY CHAIRMAN: I'm sorry that I didn't have note of your name, Vic. Vic Mulhull.

MR. GINTER: Yes. Thank you very much, Mr. Chairman and the group, for having us. We've been working at this for about six months. We were doing it for the Spicer committee.

The RCMP Veterans' Association of Red Deer has 101 members with various types of service in Canada and international service. I just took a survey, and we would have served 2,500 man-years in Canada. Vic is going to do the first presentation, and then I'm going to finish up on it. Okay?

MR. MULHULL: Mr. Chairman, lady and gentlemen of the committee, our presentation is based on the fact that sometimes in order to look closely at yourself and your needs, you have to start by looking out at the world; otherwise, you could easily end up being totally out of step with the rest of humanity. I hope that somewhere in this presentation you'll find not only something interesting but something stimulating. What we have said here tends to be somewhat at variance with some of the presentations tonight, and that's perfectly natural. At the same time, as I sat back there and listened to the others, I did find fragments of our presentation in what they were saying. I hope you'll regard it the same way.

Winston Churchill, when faced with growing movements clamouring for autonomy among scattered parts of the empire, said: I will not preside over the dissolution of the British empire. He could not face the inevitable. He chose to be the end of an era rather than the beginning of a new era. Thus, others had to take on the task of completing this phase of history. There is a lot of inertia in the status quo. However, we must recognize that political institutions grow up just as family members grow up and in their maturity demand changes, such as much increased autonomy, delegated responsibility, different approaches to taxation, et cetera. An entity such as our country, Canada, must be responsive to such initiatives and provide the machinery for change and adaptation among its constituent provinces and territories. Too much resistance over too long a period can only result in destructive upheaval and animosity.

The trend toward changing our Confederation is not unique in the world; we were simply one of the early manifestations. Other examples abound. In the U.S.S.R. the Baltic states of Lithuania, Latvia, and Estonia are seeking separation as the only way to achieve the kind of autonomy they want. Also in the U.S.S.R. the member states of Russia, Belorussia, Georgia, Moldavia, and Armenia all demand some form of separation. Others, such as the Ukraine, are simply asking for greater recognition and increased autonomy. In Yugoslavia historical enemies Serbia and Croatia agitate for a change to the bonds tying them into a single country. Another constituent, Slovenia, nervously wonders what will be its changing role as it plans to secede by the end of June, 1991.

The new political head of Czechoslovakia has publicly forecast that Slovakia may have to become a separate country. His willingness to face such an eventuality may be based on his being primarily an intellectual – he's a poet – rather than a politician. If he were primarily a politician, he would no doubt resist any diminution of his power base since politics is really the science of wielding power. We should perhaps admire the wisdom of the Czechoslovak electorate in choosing such a person to lead them in such a time of worldwide change.

In the Middle East we have another example of a people seeking autonomy and, if possible, separation into total self-government. We refer to the Kurds and their century-long struggle against a government imposed on them from outside their territories. Looking further, you will find further examples such as the Sikhs of the Indian continent, the Tamils of Sri Lanka, and the Palestinians of Israel's West Bank, among others.

With all of this agitation for varying degrees of independence by various segments of the world's peoples, can we honestly say that the aspirations expressed by the people of Quebec are unusual, unjustified, or impossible to meet in some reasonable measure? Do we only differ on the definition of "reasonable" in this context? Again, as we look out on the world stage, do we not sense peril facing populations such as the Latvians, the Croats, the Armenians, or the Kurds as they seek greater independence? Are the people of the Canadian provinces and territories so phlegmatic as to not be similarly disturbed by the wrench we must eventually face if there's not some reasonable accommodation between all parts of our nation?

If Quebec is a distinct society, and no sensible person will dispute that fact after living in that province for even a few weeks, then the corollary is that Canadians outside of Quebec also constitute one or more distinct societies. Why do we find it so difficult to acknowledge that fact? Let us say it and say it willingly – where is the harm? – and having said it, let us determine what other concessions are possible to meet the proposals of Quebec and the other provinces and territories.

10:10

Our guide should be equality of treatment, just as it should be in a human family. Any adjustments made should not breed inequity. In the redistribution of benefits and power, the only loser must be the central government. It is no good that Ottawa will bargain with the provinces and territories by saying, for example, "You can have greater control over immigration, but in exchange you must give Ottawa substantial control over education." In the evolution of a new Canada, Ottawa must experience a drastic and continuing downsizing. Toward this end all provinces and territories should examine whether their needs would not be best met if each had almost exclusive power over housing, health, culture, family policy, research and development, energy, language, unemployment insurance, and the environment, together with the necessary delegated taxing authority.

There is an opposite stance. Some strident voices will say that any concessions towards separateness – I'm not speaking of total separation – constitute balkanization. We will hear clamours of, "In unity there is strength," "Divide and conquer," "Give an inch and lose a mile," and other similar truisms. Perhaps the answer to this is that if you never let your child drive the family car, one day that child will get a car of its own and drive right out of your life. Some will point to the trend toward greater unity in other theatres, even when there are language and cultural differences, such as the European Common Market and economic union. And what about the reunification of Germany? Yes, there is great advantage in mutual co-operation, particularly when that co-operation meets an understood plan, but when brothers come together to build a barn, they don't always have to live in the same farmhouse.

Roadblocks such as the amending formula for constitutional change can hold up progress forever by a central government determined to follow that path. If Canada is not to fall behind the rest of the world while emulating the Winston Churchill of paragraph one, there must be action along the following lines.

First, a public declaration by Ottawa that the autonomy sought by Quebec to whatever degree is not a revolutionary and unacceptable proposal but a manifestation of a worldwide trend and should be seen as evolutionary and something which can be shared in equal measure by every one of our provinces and territories.

Second, as part of the declaration Ottawa will have to acknowledge that the central government will be downsized in its power base, its administrative force, and its portfolios while retaining obvious essentials such as control over foreign policy and so on.

Third, rather than Ottawa adopting a posture that there is no need for early, repeated, and regular meetings of Canadian first ministers, there must be a move to set up an organization in which there will be participation by each provincial government and territorial administration at a high enough power level that binding commitments can be made to proposals coming forward.

Fourth, the Canadian public must be kept abreast of the actions being taken and the progress made by regular releases. There should also be an established channel through which suggestions can be submitted by Canadian individuals or groups without that process necessarily costing hundreds of millions of dollars. We ask that Ottawa learn from past mistakes, as the Mulroney government failed to consult and heed the people of Canada throughout the Meech process.

Fifth, any request or demand for veto power by any of the participants at any stage of the negotiations should be viewed as an attempt by that participant to impose its will on the other participants.

Sixth, as the negotiations are approached, it must be acknowledged that not every proposal will be the subject of partisan argument or unyielding resistance by the participants. There will have to be give and take in somewhat equal measure. This should be a journey of co-operation, not an exercise of a government and its opposition. At stake in no small measure is our country, Canada, and if we don't maintain our Confederation, the United States below our border is probably anxiously waiting to pick up the pieces.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
John.

MR. GINTER: I just want to add to that. When we finished that, the members asked us to put this in also: as the history of the RCMP is so closely connected with the history of Canada, we feel that any change to the policy of the force should be debated and not be changed by an order in council. One of the things we're looking at here: the hiring policy of the force should not discriminate against any Canadian; however, the needs of the force should be the dominant factor of its hiring policy. The other thing we looked at is that no change should be made in the ceremonial dress of the RCMP unless sanctioned by Parliament.

The other thing is that we have a presentation here, too, on the Young Offenders Act. I'll just read it. As an organization, we, the RCMP Veterans' Association, have great concern about the effects of the Young Offenders Act on our society. We believe the province should be making very strong representation to the federal government in this respect. Recent publicity has been given to the fact that 60 percent of our crime in Canada is perpetrated by youths aged 17 and under. There have been discussions indicating that almost no punishment is meted out when any of these offenders are caught. Statistics indicate that only 1 in 5 is ever caught, and these have absolute minimum punishments. Who learns a lesson here?

There is widespread understanding that juvenile criminals themselves regard the Act as a joke and one which encourages their criminal behaviour. There have been reports that peace officers are so discouraged by the stand taken by the judiciary towards young offenders that officers see very little encouragement to pursue real investigations in such cases. This understandably offers further encouragement to continue breaking the laws.

We in Canada should not be raising a generation of young hoodlums, as that generation must one day run Canada. We believe that a very serious conference of representatives from the provinces, the federal government, the judiciary, some of the victims of juvenile crime among the general public, and social and youth organizations must be convened to revise the Young Offenders Act and bring it more into line with what is needed to create and sustain a decent society in Canada.

That's all we have. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, gentlemen.

On behalf of the committee, I'd like to express our appreciation to all the presenters who came this evening and also to the audience who accompanied them to help us, hopefully on your behalf, change our situation for the better in the months to come.

Thank you very much.

[The committee adjourned at 10:18 p.m.]

4:01 p.m. **Friday, May 31, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. It is now slightly past 4 o'clock, and as usual in Edmonton we have plenty of presenters to fill the time we have available. So in order to accommodate everyone who wishes to participate in this process, the committee feels it's important to stick as closely as possible to the time we do have. As presenters may know, our time has been divided into 15-minute segments in order to accommodate people within the time available, and so I would ask all people presenting to try to stay within that period of time because the Chair does not like to become arbitrary.

Welcome to everybody who has come this afternoon to participate in the process of developing a position for our province in facing the constitutional problems that are facing our country at the present time. I would first of all like to introduce the members of subcommittee B of the Alberta Select Committee on Constitutional Reform. Commencing on my far left is our newest member of the Legislative Assembly, Mr. Barrie Chivers, representing Edmonton-Strathcona. On his right is Pearl Calahasen, the MLA for Lesser Slave Lake. Next to Pearl is our administrator, John McDonough. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher, and I represent the Drumheller constituency. On my right is the Hon. Nancy Betkowski, who represents Edmonton-Glenora. On her right is Stockwell Day, the MLA for Red Deer-North, and on his right is Sheldon Chumir, the MLA for Calgary-Buffalo.

Our first presenters this afternoon are Jerry Gall, Bruce Elman, and Sid Indig, representing the Alberta region of the Canadian Jewish Congress, and the committee would invite those gentlemen to come to the table at the present time.

Welcome, gentlemen.

MR. GALL: Good to be here.

MR. DEPUTY CHAIRMAN: Nice to have you.

MR. GALL: Thank you. My name is Jerry Gall. Bruce Elman is to my left. Prof. Elman is an active member of the Jewish Federation of Edmonton, and Sid Indig, to my far left, is the executive director of the federation. We are here as representatives of the Alberta region of the Canadian Jewish Congress, and at the outset we wish to thank you for the opportunity to be heard before the committee.

By way of introductory remarks, may I say that it is a legitimate and important exercise to look at the process of constitutional reform, the kind of matter that is presently being addressed by the Edwards-Beaudoin committee federally. We also think it is important to address the substance of constitutional change as it relates to both the allocation of powers and to the preservation of rights through the Canadian Charter of Rights and Freedoms. At the same time, however, our brief address is more than process and substance but also the issue of constitutional values. As Prof. Cheffins, later Mr. Justice Cheffins, of British Columbia once stated,

> A Constitution is more than a mechanical set of ground rules. It is a mirror reflecting the national soul. It reflects those values the country regards as important.

Obviously, an examination of constitutionally protected values will relate to the issue of substance. Nonetheless, we would like to look at constitutional reform on a value plane.

As to details, there are essentially four constitutional values that we feel should be entrenched in the basic document of our nation. They are egalitarianism, multiculturalism, bilingualism, and individual rights. We also feel that with respect to the latter, namely individual rights, they must be considered in the context of the delicate balance that always exists between individual rights and collective rights. We recognize, therefore, that when asserting individual rights, one must also address the issue of the assertion of collective rights. In any event, those are the four major constitutional values that we address in our brief.

These values are in fact presently contained in the Canadian Charter of Rights and Freedoms. As such we believe that the preservation of the Charter as a basic entrenched instrument in our Constitution is a source of strength for all Canadians and for the country as a whole. At the same time, certain of those values, the promotion of individual rights and egalitarianism, namely the provisions contained in sections 2 and 15 of the Charter, are presently subject to section 33, the so-called override or notwithstanding clause. Given their fragility because of the existence of section 33 and the willingness of some governments to use section 33 on occasion, we feel it is imperative that section 33, the notwithstanding clause, be removed from the Charter. There is no reason to have it there in light of the existence of section 1, the so-called limitations clause, which permits the breach of individual rights on those occasions where the laws which breach those rights are regarded as "reasonable limits . . . demonstrably justified in a free and democratic society." The existence of section 1 and its use will by itself alleviate any concerns anyone may have about the overassertion of rights at the expense of other objectives. Section 33 is an unnecessary provision that puts our basic rights in jeopardy. By all accounts it is there because of political compromise in 1981-82. Its removal will strengthen the egalitarian rights contained in section 15 and the individual rights related to the fundamental freedoms contained in section 2 of the Charter.

We also feel that multicultural rights contained in section 27 ought to be strengthened. As you probably know, section 27 is merely an adjectival or modifying section in the sense that it modifies rights contained elsewhere in the Charter but does not in and of itself confer rights. It states to the effect that the rights in the Charter will be interpreted in such a way so as to preserve and enhance the multicultural heritage of Canadians but does not confer rights in and of itself. Interestingly, a survey of the jurisprudence to date since 1982 shows that the largest use of section 27, the multicultural rights section, in fact is a modification of freedom of religion assertions under section 2 of the Charter. In fact, although it's not in my formal remarks, the second greatest use of section 27 is in modifying the equality rights provisions in section 15. The use of section 27 to buttress freedom of religious assertions is not surprising in view of the centrality of religion to various ethnocultural groups. In any event, we certainly believe in the strengthening of section 27.

With respect to process, although subservient to the issue of entrenched values, in our view, we do have a few remarks to make. The Meech Lake accord was regarded as the so-called Quebec round of constitutional reform. The lesson of Meech Lake, in our view, is that every round has to be a Quebec round, but at the same time every round is also an aboriginal round, a round to protect the rights of female persons, and a round to preserve and protect the status of multiculturalism in Canadian society in the sense that all Canadians must be involved in the reform process. Practically speaking, however, not all issues can be addressed at each round of constitutional talks. Obviously, we have to make judgments as to priorities.

Secondly, we ought to expand the notion contained in section 16 of the Meech Lake accord. As you know, section 16 stated that there was nothing in the Meech Lake accord that could in any way interfere with the aboriginal and multicultural rights section of the Charter. Any constitutional reform ought to preserve and protect the integrity of the Charter by providing that no instrument that is advanced by way of constitutional reform will affect any of the rights contained in the Charter, not just the aboriginal and multicultural rights.

Although this may not be the most appropriate remark, with respect, to make to a committee constituted by members of a provincial Legislature, it is our view that the Constitution should ultimately reflect the notion of strong central government. Most minority groups feel, rightly or wrongly, a sense that minority rights are protected through strong central government rather than through a balkanization of power throughout the country. Of course the legitimate aspirations of provinces and regions ought to be advanced through constitutional reforms. In that regard, I recall a number of years ago a map that appeared in the *New York Times*. It was a map of the world, and the map shaded in those countries that were federations around the world and shaded in those countries with good human rights records. The two shadings seemed to coincide. The conclusion from the map was that it was federations which seemed to protect human rights better than unitary states. Maybe there is something about a federation that is intrinsically tolerant. In any event, it is our view that Canada should be a strong federation with strong local and provincial government, and at the same time, we should advance the notion that we should always support a strong central government. It's been said that the quality of a democracy is measured by the manner in which the majority treats its minorities, and we believe such treatment is better facilitated through the realization of regional aspirations as well as through strong central government.

Finally, we also believe that to advance the cause of multiculturalism and cultural diversity, Canada should have a fairly open immigration and refugee policy. The multiculturalism provision contained in section 27 of the Charter should encourage our legislators at the federal and provincial levels, where there is in fact some concurrence in the area of immigration, to advance the notion of an open and fair immigration policy.

4:11

Those are the essential portions in our brief, and we would be delighted to address any questions you might have in connection with our view of constitutional reform in Canada.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate those comments and the well-defined and brief brief. There are a number of question areas. I was most fascinated, however, with your statement on the federation versus unitary state circumstance. Just as an aside, if you have a copy of that map or that information, I'd love to have it.

Apart from that, I think most of us believe in a strong central government and strong provinces. Our difficulty is in defining which is which. Do you have specific areas where you feel the federal government should be dominant and where, conversely, you feel the provinces should have the major responsibility?

MR. GALL: Well, as you know, prior to 1981-82, from 1979 to 1982 the First Ministers were addressing this whole question of the substance of allocation of powers, and that came to a quick end when we had the patriation process. I think we have to turn the clock back and put on the agenda the very same matters that were on the agenda then. I don't think we ought to deal with, if I could use the term, a phony matter. I remember at the time that the federal government was talking about giving the provinces jurisdiction over divorce. That's not what I'm talking about; we have no minister of divorce, federally. But I'm talking about the substantive issues.

I think the federal government should still have control of the national economy and all the various enumerations under section 91 related to the national economy. But certainly there perhaps should be a greater role provincially in the areas which are unique to the provincial scene: agriculture in Alberta, the fisheries in the maritime provinces, heavy industry in central Ontario. Maybe there could be more of a local role in the planning of their economies based upon local conditions. But I think we've got to go back to the list that we just shut down in 1981 and look at where we had gone, what was on the table then, and put it back on the table.

MR. ANDERSON: So would I be right, though, in extracting from your statement on human rights and unitary states versus federations a belief that in this modern day as much as can be operated close to the people should be and that those things which are necessary for common goals to be established should be there at the federal level?

MR. GALL: I think that's fair. But also the question of human rights almost transcends federal and provincial boundaries. We have the Individual's Rights Protection Act, the Alberta Bill of Rights, and the Ombudsman Act provincially. We have a Canadian Human Rights Act, the Canadian Bill of Rights, the Privacy Act, the Access to Information Act federally. This is legislative rather than constitutional, but there are initiatives that should be taken in this province. I'm getting a little off topic, but I think we will become very shortly one of the few provinces without an access to information law. There are groups such as those with different sexual preferences who are unprotected under the Individual's Rights Protection Act and, I might add, under the Canadian Human Rights Act as well. So I think we should always build on that, but it's not a federal/provincial type of building; it's a sharing of responsibility. But I do think your statement is quite right, generally, with respect to allocation of powers.

MR. ANDERSON: If I can really push my luck with the chairman, one more quick question. In terms of the supremacy of decision-making in the country, do you believe it should reside with the elected people or with the court system? It's a question often asked with respect to the Charter.

MR. GALL: Well, I suppose I could take to about 5:30 on that one. My quick answer is that I do trust the judiciary. I think we as a country made that decision already in 1982. Although everything is up for grabs, I think we've basically turned the road on that in bringing in a Charter as part of the Constitution. But, again, I'm pretty much a moderate. You've got to balance the powers of the judiciary with the fact that there are elected representatives who are perhaps closer to the people and are more accountable, for sure. But I think we turned the corner on that basic issue once we decided, rightly or wrongly, to have an entrenched Charter.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I wanted to put to you a proposition that was put by a presenter in Red Deer, I believe. He agreed with the removal of the notwithstanding clause. He suggested that as a quid pro quo what there should be to balance the removal of that is an affirmative action type of clause similar to section 15(2), which would apply to entrenched language rights. I'm just wondering if that's a theory you've heard before and what your views of it are.

MR. GALL: I haven't heard that theory before. I would have to think about it, but I'm not particularly enamoured with it. We've made the point that section 1 already serves the purpose of balancing any allegation that there's an overassertion of rights in this country. The courts all the time are saying, "We'll allow the breach because this is a reasonable limit." That's enough.

MR. CHIVERS: Very good. I won't press my luck.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you. Just to follow up on Dennis Anderson's question with respect to what powers should be at the federal or provincial levels. There's a bit of a battle going on with respect to whether or not the federal government should continue to exercise its jurisdiction, challenged as to whether or not it's in fact constitutional but a jurisdiction which it does exercise in the realm of medicare and under the Canada assistance plan with respect to social services. I'd appreciate your views as to whether you feel that the minimum standards set by the federal government in those areas should appropriately be exercised at the federal level rather than the provincial level.

MR. GALL: I think it's extremely important in the delivery of social services that there be national standards. There can be local variances in delivery, and there should be local variances in delivery, but I think it's extremely important to have national standards so that we don't have a situation where someone who lives in one province does not have a service and someone living in another province does have the service and we have basically discrimination based on your province of residence with respect to the delivery of vital services. That's true of not only medicare but day care and any of the programs that involve social service delivery. I feel quite strongly about that, and I think we as a community feel the same way. Wouldn't you say?

MR. ELMAN: Sure.

MR. CHUMIR: The term "national standards" is taken by some from time to time to mean that that could equally be done just by each individual province exercising its own jurisdiction. Are you speaking in terms of national standards established by the federal government?

MR. GALL: Yes.

MR. CHUMIR: Okay. In terms of multiculturalism, there are two strains or directions of multiculturalism. One is that which engages the positive involvement of government in terms of funding, promotion, and encouragement of differing multicultural groups. The other philosophy is that the heart of multiculturalism should be that of ensuring equal rights, acceptance, education, and freedom for groups and individuals within those groups with respect to freedom of religion. We've heard extremely strong opposition, I think it's fair to say, during our hearings with respect to vision 1. I'm wondering whether or not you would care to comment on whether or not you are pressing for vision 1 in particular. I know you're pressing for vision 2, but is vision 1 something you are pushing for very strongly, or do you think we would be just as well off without having the government directly involved in these areas on the grounds, as has been suggested to us, that it's divisive?

MR. GALL: I think we're in favour of vision 1 and vision 2. Hopefully, we can balance some of the other remarks you've heard. One-third of the population of Canada is neither English nor French. Eight million Canadians come from different backgrounds, if my math is right. I think we can't ignore that. The day is over when we can ignore aboriginal rights. The day is over when we can ignore multicultural rights. I think that's one of the things that makes Canada so interesting. We're not a bland country. We have people from all over the world who have come to make this their chosen home and people who are born here but choose to maintain their heritage. I think that's one of the things that makes Canada the special place it is. I realize there are limits on funding, of course, but that's true of any program.

4:21

MR. DEPUTY CHAIRMAN: I'll remind members of the committee that we are over our time now.
Pearl.

MS CALAHASEN: Very briefly, Mr. Chairman. Thank you very much. It's good to see you here today. You expressed support for a bilingual and multicultural society which acknowledges the fundamental place of aboriginal peoples, yet at the same time you express support for the Charter of Rights and Freedoms as an instrument to promote tolerance and understanding among Canadians. However, I think in recent years there appears to be an increasing debate on whether collective rights impinge upon individual rights and probably vice versa. What are the federation's views on this particular matter?

MR. ELMAN: Well, I would say this: the history of the use of the Charter and the history of the jurisprudence as developed so far has been a reasonable balancing of the rights of the minority with the rights of the individual with the rights of the collectivity, or the rights of the individual with the rights of the collectivity. In fact, it seems to me that one case in particular, the Keegstra case, shows that example clearly. Sometimes there's a debate over the issue of what we mean by the collectivity. Does the collectivity mean the population as a whole, or does the collectivity mean some group, which is a collective right of that group? Clearly, for example, minority education rights, language education rights are a right of a collective minority or collective group. So I would say that what we saw developing in the Keegstra case is a brand or strain of jurisprudence which suggests that there is a great deal of consideration given to the rights of the collectivity but a particular type of collectivity; that is, those minority groups – there's a sort of minoritarianism – which form a collective right itself. I think Keegstra was in fact – the decision in the Supreme Court was a very reasonable and positive balancing of those rights.

MS CALAHASEN: So you're saying, then, that one doesn't impinge on the other or vice versa.

MR. ELMAN: Well, in any issue of constitutional litigation there's always balancing to be done by the courts. It seems to me that that balancing may affect people in some way that they don't particularly like. But, on balance, that balancing has been pretty reasonable so far.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Thank you. I guess the Chair would say that if you have any ideas how your vision of Canada will jibe with what's coming out of Quebec, we'd be interested in hearing it.

MR. GALL: Well, thank you, Mr. Chairman and members of the committee. We are glad to have come.

MR. DEPUTY CHAIRMAN: Thank you.

The committee will now invite Dr. France Levasseur-Ouimet and Georges Arès to come forward on behalf of the Association canadienne-française de l'Alberta. Welcome. Bienvenue.

DR. LEVASSEUR-OUIMET: Thank you, Mr. Chairman. My name is France Levasseur-Ouimet. I'm the president of the Association canadienne-française de l'Alberta. This is M. Georges Arès, our executive director. I would like to thank you for inviting us here today. We assume that you have read our brief, and I would like to make a general statement before proceeding to questions, if I may.

L'ACFA was founded in 1926, and we are the official spokespeople for the Franco-Albertan community. Dealing with the new vision of Canada and with constitutional issues is an extremely important task and one that we do not take lightly. Although the focus of our brief, you will have noticed, is the Francophone community in Alberta, we've tried to broaden our views to respect other communities and their contribution to the Canadian reality. Because our community's living through difficult times, it would have been tempting to limit our reflections to our own concerns, but we rejected this approach and chose rather to make suggestions that we hope will help Canada to remain a shining example of a nation where people are generous and open-minded and capable of working and living together. Given the situation in many of the world's nations, it seems to us that this is an extremely important role for Canada to play.

Our association's brief includes our community's reflection on many issues. We have addressed the question of our nation's choice, of values and beliefs, of federal and provincial relationships. We have tried to explain integration versus assimilation. We have addressed the question of the Senate, the Charter of Rights and Freedoms, the question of bilingualism, aboriginal issues, the Constitution, and the amending formula.

As a minority group, we have experienced both the best and the worst in our relationship with other communities and with governments. These experiences have strengthened our resolve and helped us to develop a strong belief that Francophones and Anglophones can work together when they take the time to understand one another. Our association's participation in the Minister of Education's French-language working group, which dealt with the question of management and control of Francophone schools in Alberta, has shown us that Anglophones and Francophones can work well together, that well-informed and hardworking people can reach reasonable conclusions. Although the question of management and control of Francophone schools is a complex issue, Anglophone and Francophone members of the committee were able to work harmoniously together and to come up with reasonable recommendations. We strongly believe that as Canadians we can achieve the same kind of harmony, providing that we are willing to take the time to understand and to respect the concerns of other Canadians.

Recently official bilingualism is often described as an irritant, a source of division. That is certainly not our perception. It is unfortunate that some Canadians perceive official bilingualism as a means of forcing Anglophones to learn French. We have always believed that bilingualism meant that Francophone communities would be welcome in every part of Canada and that their presence would be valued and recognized as one of Canada's fundamental characteristics, a reflection of its history, a symbol of Canada's open-mindedness. French is spoken in 44 countries of the world. It is an official language in 25 countries in the world. I for one am proud to say that Canada is one of these nations.

M. le Président, l'ACFA tient à souligner qu'il est possible pour les Albertains d'expression française et les Albertains d'expression anglaise de s'entendre. Le travail des membres du comité ministériel albertain sur la question de la gestion des écoles françaises en est la preuve. Anglophones et francophones, nous avons pu travailler en harmonie tout en respectant les besoins et la réalité de chacun. Ensemble nous avons pu en arriver à des solutions raisonnables. Depuis quelque temps, on nous présente le bilinguisme officiel comme étant une source de division. Nous ne sommes pas de cet avis. Le bilinguisme a été et reste le meilleur moyen d'assurer que les francophones se sentent chez eux partout au Canada. La dualité linguistique est une caractéristique fondamentale du Canada; c'est le reflet de notre histoire et le symbole de notre ouverture sur le monde.

We feel that Canada cannot escape the winds of change that are now sweeping through the world. Our choice of values and beliefs and how we choose to live them must allow us to repair rather than destroy the fabric of Canada.

In conclusion, I would like to stress the fact that we are not constitutional experts and that no one is more aware of the shortcomings of our brief than we are. We only hope that our contribution will encourage others to see Canada in another light.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.
Stockwell.

MR. DAY: Thanks, Mr. Chairman. France, in terms of public funding of minority-language education, would you like to see the Constitution clarifying section 23, where it talks about where numbers warrant? That seems to be an obvious point of discussion and concern for people, and I wonder what you'd have to suggest along those lines.

DR. LEVASSEUR-OUIMET: Well, I think it would be a lot clearer and a lot easier and probably much less divisive if that were clarified. The problem with numbers, however, is that they're very relative. If you have a rural area, for example, you might have Anglophone schools with 45 students, and that is a viable solution for the area. It might also be a viable solution for the situation for the Francophones in that same area. So numbers are very relative, and it's very difficult to be able to establish one number. Of course, in that sense we feel that section 23 should clarify that the question of numbers is not the key issue, and perhaps it should be removed from section 23.

MR. DAY: So you're not going to suggest the numbers particularly in a strict sense.

DR. LEVASSEUR-OUIMET: No. I think it's very difficult. I think it's very relative depending on situations, whether it's urban or rural, whether it's one province . . . For example, Ontario: if you look at Ontario and you speak of numbers, the numbers are very different than they are, for example, in Alberta. If you look at the judgment in the Maher situation, one of the reasons we have article 23 is to ensure the protection of language and culture of the Francophone communities in the provinces. In that sense you are going to be working with small numbers, and that has to be taken into consideration.

4:31

MR. DAY: Thanks. There's one other question. I spent some of my childhood years being raised in Quebec, but my Quebecois is pretty rusty. The elements of your presentation which were in French: are there some points in particular there that we should be aware of, or will you be providing a translation of that?

DR. LEVASSEUR-OUIMET: It was a repetition of what had been said in English.

MR. DAY: Great. Thank you.

MS BETKOWSKI: Welcome, Dr. Levasseur. We had an interesting presentation in Grande Prairie, where the section 23 parents and students were not of the same mind with respect to programs. In other words, some of them wanted a full Francophone program and some opted, I guess, for more of an immersion program. The other point was: you heard the discussion before with respect to collective and individual rights, and of course, the section 23 rights are not reflected the same as the separate school rights because not everybody has to opt for the facility. I guess the solution that they proposed was the drop of section 23, believe it or not. I'm interested in yours, which says that you would drop any reference to number, so where numbers warrant wouldn't even be part of the section.

DR. LEVASSEUR-OUIMET: No. I think that if you are to . . .

MS BETKOWSKI: Or just leave it as vague as it is?

DR. LEVASSEUR-OUIMET: Well, probably even vaguer. I think if you're going to respect the spirit of article 23, it's to ensure that the Francophone communities outside of Quebec continue to exist. If you're going at that point to talk only in terms of numbers, I think you're defeating the whole spirit of article 23 of the Charter of Rights and Freedoms. I think you have to be able to have a very generous approach to article 23 and to the establishment of French schools. Without this generous approach I think you are defeating the main purpose of article 23. Perhaps Georges would like to . . .

MR. ARES: Well, I think I'd just like to comment that in Quebec and Ontario the number for education purposes is one. I think they've recognized that to provide a minority community with the education which it needs, you must address the requirements of every single student in the province, and you must allow and provide for that. If you start putting limits on it, you are denying constitutional rights to people based on location of residence. I think Ontario and Quebec have both recognized that you must provide the right to each individual student and then go from there, look at how it can be delivered.

DR. LEVASSEUR-OUIMET: However, in our position we have always tried to be reasonable. We know that cost and so on are factors. We're very aware of that. We have tried to find ways, whether it be through distance education or other means, of answering these rights. I think it's important to be reasonable.

MS BETKOWSKI: And I don't think you have a problem with the whole concept of sliding scale. Or do you? In other words, a program may not be just in a facility. There may be other elements like distance learning, like classroom, like half of a school, like a full school.

DR. LEVASSEUR-OUIMET: That is correct. I think you have to take into account the situation of where the students are and what is happening around them. I think it's important that you achieve some sort of harmony with the community in which you live, and often you will achieve that kind of harmony by respecting the situation in the community.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Many of the presenters at several of the communities that we've visited have suggested that section 33 was a pragmatic political solution to a problem that has in turn engendered inequality. One of the suggestions that's been made is the suggestion I put to the last presenters; that is, the entrenched official language rights should be modified by an affirmative action formula similar to section 15(2). In return for that, of course, section 33 would be deleted from the Charter. I'm wondering what your views are on that.

MR. ARES: I'm not entirely clear as to what section 33 is. Are you referring to section 23 or 33?

MR. CHIVERS: Section 33, the notwithstanding clause.

MR. ARES: Oh, the notwithstanding clause. I think the notwithstanding clause should be abolished. I think in any democratic country you cannot allow governments, wherever they may be, to take away individual rights or collective rights – if there are any in the Charter, and I think there are some – just by passing a law. That may be good only for five years, sure, but I think in a democratic country you cannot allow rights to vary from area to area based on what government is in power at the time. I think we would agree with the previous presenters that section 1, the reasonable limit, is adequate and all that governments require to adequately function. Dictators operate in the fashion of taking away rights from their population. I think we perceive the notwithstanding clause as taking away rights, or allowing governments to take away rights, that should be fundamental to Canadian society.

MR. CHIVERS: I share your concerns about section 33, but the difficulty is that section 33 is seen as a key ingredient of the accord which we were attempting to achieve last time and, of course, that we did achieve in 1982. So I'm just wondering. The suggestion here was that inserting a modifier which would permit affirmative action, positive action, programs in order to protect language rights, which would apply to both official languages, might be a mechanism that would be acceptable in Quebec. I'm just wondering what your views are on that specific proposal.

DR. LEVASSEUR-OUIMET: I think at the core of this issue is a question of attitudes; it isn't a question of understanding. I think we must understand as Canadians that the whole question of French in North America is threatened. It's a small community, when you look at the whole area of North America. You have to be able to have the kinds of attitudes where people – for example, Anglophones in Quebec – would say that this is something that has to be protected. If you're talking about affirmative action in that sense where people would take upon themselves the responsibility of protecting French, which is something that is threatened in North America, you might be able to come up with positive measures instead of measures where people are not allowed two. I think it's very important to develop the kinds of attitudes that go with that kind of action.

MR. CHIVERS: I think that was the idea the presenter who urged that solution on us had in his mind.

MR. ARES: I think we have taken the position that to protect and promote the French language, whether it is in Quebec or outside Quebec, nobody should have the right to take away rights from some other group, whether it's the English minority in Quebec or elsewhere. We don't feel that is the proper way of protecting and promoting the French language. We feel that if affirmative action is what would promote and protect the French language even in Quebec, that's something we would certainly support rather than protecting and promoting it by diminishing rights that already exist.

MR. CHIVERS: Enhancing rather than diminishing.

DR. LEVASSEUR-OUIMET: That's correct.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. As I just mentioned to you, I have about seven questions, but you'll only allow me one. I'm going to choose to follow on Mr. Chivers' discussion with you.

Isn't there an ultimate contradiction in the statement that in a free and democratically elected society, elected governments cannot deal with the rights of the people and that appointed-forever courts can?

DR. LEVASSEUR-OUIMET: I'd like to indicate to you that governments establish constitutions. Constitutions contain the vision, the values, the beliefs that a nation has. The courts are there, I think, to keep governments honest. I don't see that kind of problem that you are suggesting, that the Charter would be something the elected representatives have not set up and that they're not responsible because of the judgments that come from Supreme Court. I don't feel there is that problem at all. Maybe Georges would like to add.

MR. ANDERSON: Just let me clarify. I certainly didn't say that courts would set up any law that the government hadn't put in place, but the worry is the interpretation of that law. That's why the notwithstanding clause was placed there, so the interpretation would be in keeping with what the representatives of the people determined around the table in 1982.

MR. ARES: Well, I think it's fundamental to any democratic society that some instance other than the instance which formulates the law should interpret whether the law is correct constitutionally or not. You cannot ask the people who have made the law to interpret it themselves. In a democratic society there have to be checks and balances, and the elected representatives make the laws according to the Constitution of the country that is in place. If the courts decide that the law does not conform to the Constitution, the elected representatives have every right to make a new law that should respect the fundamental values that are in the Constitution of the country. I mean, I find it very, very difficult to accept any other proposal that the elected representatives, wherever they may be, should be the ones that decide, "This is the Constitution, these are the laws that we make, and no one else will ever tell us that the laws are not conformed with the Constitution." Who is going to protect the people?

4:41

MR. ANDERSON: Presumably those who are elected by the people.

MR. ARES: You know, in a democratic society I think it's accepted worldwide that the judiciary is the one that exercises that function. I know we've heard lately that the Charter of Rights could be done away with and stuff like that, but I strongly disagree there. The people of this country do need some protection, and the Charter of Rights and the Constitution are there for that purpose.

MR. DEPUTY CHAIRMAN: Sheldon, we've run over, but please proceed as expeditiously as you can.

MR. CHUMIR: I'm pleased to see you refer to the need for a strong central government to ensure that national standards exist in certain areas such as health, education, and environmental concerns, amongst others. Just out of an abundance of caution, since we've had some misinterpretation or differences of understanding on the committee, are you referring here to national standards which would in fact be established by the federal government, as opposed to standards which may or may not be established by provincial governments, who may come together and set minimum standards?

DR. LEVASSEUR-OUIMET: I think it would be important that the national standards be set up by the federal government, whose vision is to look out for all of Canada. It's got to be done, of course, with provincial information; it's got to be done with regional information. But I think that the vision of a complete country is a federal responsibility, and I think that national standards should be the result of this vision.

MR. CHUMIR: And within the category, amongst others would you include those social programs which are presently covered by the Canada assistance plan?

DR. LEVASSEUR-OUIMET: Yes, sir.

MR. DEPUTY CHAIRMAN: Thank you very much.

DR. LEVASSEUR-OUIMET: Thank you, sir.

MR. DEPUTY CHAIRMAN: The next presenters are Ann Tweddle and Elva Mertick, on behalf of the Alberta Advisory Council on Women's Issues. I'd invite them to come forward. While they're coming forward, I would remind all members of the audience who may feel that they would like to present but are unable to have the opportunity to do so because of time here today: would you kindly register at the desk outside because that will help the committee to decide whether and where further committee meetings might be held in order to accommodate your desires.

Thank you. Welcome. It seems dark here.

MS MERTICK: It's amazing. How come when we get here the lights go out?

MR. DEPUTY CHAIRMAN: Thank you. Nice to have you with us.

MS MERTICK: Well, thank you. Committee members and ladies and gentlemen, good afternoon. I am Elva Mertick, and I'm chair of the Alberta Advisory Council on Women's Issues, and on my right is council member Ann Tweddle.

We welcome this opportunity to bring forward the constitutional concerns of women as represented by the council. While we applaud the government of Alberta for giving individuals and groups a chance to express their points of view on the crucial issues facing Alberta in a new Canada, we must also note that many women and their community organizations will not be able to participate because your time lines and your timing is too short for them to be able to be here. The council wanted to make sure that the women's voices were heard in these discussions, so we commissioned a discussion paper which we hoped would be used by women's groups in drafting their own submissions.

Your committee is looking at Alberta in a new Canada, and we want to make sure that there are adequate places for women in this vision. Our buttons, in fact, carry the message we want to convey: a woman's place is at the constitutional table. May I offer you our buttons so you can join us at our table?

MR. DEPUTY CHAIRMAN: We had somebody in Red Deer who was wearing one of those buttons, but she didn't offer us any, so we're happy that you . . .

MR. DAY: I'm happy to say I got one anyway.

MS MERTICK: Wonderful. Then the message is being heard.

Women have been at the table before, and sadly we're again here to say what we said 10 years ago; however, we hope this time someone will listen. We cannot allow ourselves to think that the issues which affect women so deeply will be on the table in the ways that women want them to be. The Alberta Advisory Council on Women's Issues knows how these issues affect women. We hear about them from women all the time. We know of women's concerns about funding for day care, women's shelters, health care, and adequate representation of women at all three levels of government. We note, in fact, that if you look around you, this special committee does not reflect the 51 percent of the population who are women.

Women are concerned about decentralization, about the potential loss of universality of services and benefits. We're afraid of what we will lose. Some of us believe that greater decentralization will mean inequitable access to education, health care, social programs, divorce, and family services. The Alberta Advisory Council on Women's Issues is continuing to examine decentralization so we can determine what we believe will best serve the needs of Alberta women. Nevertheless, universal access to the services and benefits currently outlined in the Canadian Constitution must be maintained. If there is any doubt that decentralization will mean an erosion of services, one only has to look at the Canada assistance plan.

This plan provides transfer payments to provincial governments for health care, education, and social services. The Canada assistance plan is being reduced, and the effects will be felt almost immediately. There will be less money available for the family and community support services program in Alberta. Currently, municipalities can apply to CAP for reimbursement of their share of the FCSS programming costs. May I remind you that FCSS programs are preventative in nature and are therefore crucial to people in small communities who may not be able to take advantage of the range of services found in the larger centres? A reduction in CAP, said to be in effect by 1992, will mean that programs such as Mother's Day Out or women's shelters in places like Fort Macleod or Hinton will be forced to scramble for the major funding they need to continue.

More than ever before women have to be involved in this Constitution-making process. We cannot sit back and expect that our concerns will be recognized, understood, and incorporated into the new visions of Alberta and Canada which are now being created. Women learned 10 years ago that guarantees of gender equality were trading points in political negotiations that accompanied constitutional discussions. Women had to band together and mount a determined lobby to make sure that our political leaders knew that gender equality was not notwithstanding to anything else in the Constitution. Women know the significance of these negotiations for their daily lives. Please make sure you are listening to women's voices when the talks turn to the power to create and establish standards for national cost-shared programs such as health care, the responsibility for postsecondary education, amendments to the Charter of Rights and Freedoms, redefinition of important federal institutions such as the Senate and the Supreme Court of Canada, and the process by which constitutional change will take place.

All Canadians must begin conversation with each other and with their political leaders about the meaning of Canada and the nature of our fundamental values. This task requires tolerance, patience, goodwill, generosity, and open minds. Women must participate fully. If women are not at the table, then those around the table must go to them, and please be prepared to listen. A woman's place is at the table, at this table and at all tables where the issues which affect our lives are being decided.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.

Nancy.

4:51

MS BETKOWSKI: Just to make sure I understand your position with respect to the roles of the federal and provincial governments, am I right in assuming that the current division of powers is one that you support?

MS MERTICK: Yes.

MS BETKOWSKI: Then if we move to the issue of national standards, which I believe are a very important part of social programming, but if you look at areas like health and education, which are now under provincial jurisdiction, it seems to me that the setting of those standards has to involve the very players in the Constitution who are responsible for delivering those programs. Health care is a perfect example of that. Would you support a model which saw provinces coming together to agree to a national standard and endorsing it nationally along with the federal government or a model which is a top-down, dominance, control model, which is the federal government saying this is what it shall be, regardless of the consultation with the provinces?

MS MERTICK: The thing that is most important for us is universality. For us, the underlining fact is just that and that that must be maintained. Our concern for that is in all aspects of Canadians' lives so that there is not the capability of shopping – that is, that this is better in one province than in another – and that whatever the means is, there must be an assurance of universality.

MS BETKOWSKI: So a province shouldn't be able to supplement a national standard?

MS TWEDDLE: I think our position is that in addition to health care and education, there are matters like family law, divorce: that kind of thing. We don't want 10 or 12 different standards. We don't want 10 or 12 levels of service delivery depending on the vagaries of governments from time to time. If in achieving constitutional reform the provinces together with the federal government can do as you've suggested, we would have no quarrel with that. The process by which this is achieved should be beneficial to the provinces as well as to those who are affected by the constitutional changes that might come about.

MS BETKOWSKI: Hence creating the national standard then. Good. Thanks.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Two additions to the question Nancy was asking. One is with respect to a statement on page 26 of your brief:

> Many women have viewed provincial governments as less tolerant and receptive to their claims for equality than the national government.

Can I first ask: who are "many women"? We have heard from women who have stated that the provinces should more reflect women and their direction than the national government. We've heard the reverse. We've heard women who give as many opinions as men at these tables. So who are the "many women" referred to there? Second, why would those, whoever they are, view the provincial government as less tolerant than the federal?

MS TWEDDLE: I'd like to make it clear that we were not speaking of the government of Alberta when this statement was made. I think we have seen situations in other provinces where there has been distinct intolerance towards the needs of women, and these are documented. We get information via the Canadian Advisory Council on the Status of Women, who hear from these people in other provinces. Much of the literature that has been written indicates there are areas. I don't want to name any names, but I think if you have some creative thinking, you don't have to look much further than some political situations that have happened with our government neighbours.

MR. ANDERSON: Maybe my mind is not creative enough. If you could send us any details on that, I'd appreciate it. Are you saying that there aren't any examples of that sort at the federal level?

MS MERTICK: There are examples at both levels, provincial and federal governments, in which we feel that there are situations that are not sensitive to the issues of our gender. However, we're also seeing that what we have are the capabilities collectively, on a national level, to better impact. Sometimes it's simply the distance of the federal government versus the provincial government that we're able to in fact create that level of impact.

MR. ANDERSON: Okay. Now the other part. I guess I wanted to challenge or at least ask for clarification of your example of where the federal government's involvement was more important than having the standards provincially, and that was on the transfer payments example. I may have got it wrong, but to me that is the exact opposite. That's an example where the federal government has taken what has been exclusively provincial jurisdiction, established standards, then taken the tax dollars from the province and not given back the amount to achieve the standards. Presumably if you would have them established in the province and the dollars staying in the province, as envisioned originally in the BNA Act, those would have been maintained. Unless I misunderstood the example, to me it would be one to prove the other point of view.

MS MERTICK: Let me ask a question back, if I may, then. If in fact transfer payments no longer existed and the total control was within the province, would the Alberta government be willing to guarantee that the existing programs and the absolute standards that were established, or even needed to be enhanced, would be protected and in fact entrenched on a universality basis?

MR. ANDERSON: I don't know about universality, but my guess would be that the programs would in fact be greater than they are at the national level. I take by example some of the cuts. We had both cuts and additions in the recent Health budget, which Nancy could better speak to, but there were items which we took out simply because they were not on the federal list and the dollars therefore weren't coming back for those items. I would assume we'd have more flexibility to meet Albertans' needs, women's and men's, if that had been there.

MS MERTICK: Again, I'm concerned about the reduction of services when you place it totally into a provincial pot. Our real bottom line continues to come back again and again: we feel that the services that are presently provided are at the minimum.

I think that within all of your portfolios you experience that yourself. If in fact there was a result of a reduction of that because whatever government is in power has that capability of doing it, then we have great concern. Again we come to the bottom line: can you assure us of an entrenchment of the universality and a minimum level of the services which we see are presently being given?

MR. ANDERSON: As easily as any other government, would be my statement.

MS MERTICK: How do we ensure that, no matter what government?

MR. ANDERSON: You can't, federally, provincially, or internationally.

MS TWEDDLE: Yeah, and when we're talking about this decentralization kind of thing, I think we have to acknowledge that the responsibility to make that kind of thing work does not singly lie with provincial governments. There is a role and responsibility in this for the federal government. Also, I wouldn't want to leave the impression that it is only health and social programs that we're speaking to here. There are much broader issues involved here, divorce legislation being one, and any number of other kinds of things.

MR. DEPUTY CHAIRMAN: That is federal now, completely.

MS TWEDDLE: It is, yes. What we're saying is that we do not want 10 sets of divorce laws in this country, those kinds of things.

MR. DEPUTY CHAIRMAN: I don't think there's much chance of that ever happening.

MS TWEDDLE: Oh, I like your assurance. Thank you very much; we'll take that to heart.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. At the outset of your presentation you spoke of the process and expressed some concern in two regards, number one with respect to the time. With respect to that, I think it's fair to say that there is some general agreement, at least amongst the members of this panel, that there probably will be further hearings. You also expressed a concern with respect to women's place at the constitutional table. In that regard, there have been many, many presentations in many centres, if not all of them, suggesting that the process has to be expanded to include another element, a constituent assembly type of approach. There have been many different models presented to us with respect to what a constituent assembly would be. Many of them included thoughts that there would be representation at the constitutional table from aboriginal groups, women's groups, multicultural groups, and others, and some of them even thought politicians might have a place at the table, although many thought politicians shouldn't be involved in that process. There's a feeling of distrust that with Meech Lake not only was the product flawed but the process was flawed, and one reason the process was flawed was that politicians had too much of a say in it.

Anyway, I'm getting away from my question.

5:01

MR. DEPUTY CHAIRMAN: And the time is flying.

MR. CHIVERS: What I would like you to address is your view as to whether it would be appropriate, necessary, advisable to move to some other model of developing constitutional reform.

MS MERTICK: Well, first of all, I want to say congratulations if you've considered extending the time, because that was certainly something we were particularly concerned about and hopeful you would look at that. Of course, just receiving our submission and using it as the basis of their discussion – for the women's groups timing is very difficult because we're moving into the summer months and they often close down, so they're going to have to do it individually. If we also look at the way even the Royal Commission on NRTs did it, there were a fair number of creative ways in which they allowed for openness, such as briefs mailed in, tapes sent in, a telephone line available for, you know, views to be held. I know you have the 1-800 number, but maybe it could be expanded to be used in a more creative way. They in fact are going back now to the groups they realized they'd missed, specifically the immigrant groups, the immigrant women. What we do know is that the women's groups, the immigrant groups, and the aboriginal groups are often groups that don't speak out, don't feel comfortable in coming to this type of arena. Yet their views are absolutely imperative because they are Canadians.

MR. CHIVERS: So in other words, we could add to your list that concluded with tolerance, patience, good will, and open minds different groupings of people and time.

MS MERTICK: Yes.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: I'm sure you're familiar with the booklet, and maybe you could be helpful in distributing the 1-800 number and the address. I should just point out that anybody who phones or writes will be considered. It won't be just the views of those who appear at this table that will be considered; the views of every Albertan who contacts this number and address will be considered.

MS MERTICK: I say thank you for that. The struggle for some people phoning was that they didn't feel there was an assurance that if they weren't here, what they said would be heard and taken into consideration. Perhaps that needs to be emphasized.

MR. DEPUTY CHAIRMAN: Well, I'll just reiterate that assurance again. They will be considered and heard and will fall into the same mix your presentation has today.

MS MERTICK: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Sheldon, we're well over time, so I'm sorry to . . .

MR. CHUMIR: Okay. Welcome. I think you indicated your bottom line is universality.

MS MERTICK: Yes.

MR. CHUMIR: You kind of got a little bit waffly on the issue of the mechanism or said you were less concerned about the mechanism, federal or provincial. I'd like to press you a bit on that one, because really that is the heart of the battle going on in this country now: whether or not we have a country in which powers are dealt with at the provincial level, at which they establish whatever standards there are, or whether or not we get better protection, better programs, and a stronger country by having certain fundamentals set up at the federal level. And I guess we can argue about what the fundamentals are, but I think you've indicated your programs are fundamental to you. I would like to press you, if I could, to see whether you do have a preference or any feelings on that one, because that is central.

MS MERTICK: All right. What we did say and what I just said now is that you need to understand that as a council we're still in the middle of our discussion on exactly how we view the issue of decentralization, and we haven't clarified our preference on that just because of our own time line and ability to meet. So if you're asking us for our preference for a formula, I'm struggling with giving you that, because I don't have a formal council presentation that would give that.

MS TWEDDLE: We may not come up with the solution, because I'm not sure the solution in this question is that easy to achieve, and I'm not sure we're the brain trust to achieve it. I think our concern is that in the federal/provincial discussions related to that issue of central/decentralized decision-making, the level of service, the national standards, if you will, et cetera, it be recognized that women's issues and women's concerns be addressed. Because most of those kinds of things – women are the greater consumers of the health care system, women are responsible for families to a very large extent, and women are socially and economically disadvantaged to a large degree in terms of population. So we're saying that as you get together with other provincial governments and provincial governments get together with the federal government, recognize the need that if there is going to be decentralization, a level of standards is guaranteed to women in those areas.

MR. CHUMIR: You've indicated that you do support the current division of powers and have been told that current federal spending in certain areas of health care and social services is in fact a legal encroachment on those areas. One can argue with that, but may I ask you: when you say you support a current division of powers, do you mean the current way in which those powers are exercised, with some federal . . .

MS TWEDDLE: In our background paper we did not take a position on that. It clearly indicates there may be reasons, valid reasons, for some changes in this decentralization. There may be advantages in some areas. So we're not taking the position that the status quo is . . .

MS MERTICK: As a matter of fact, the opposite.

MS TWEDDLE: What we are saying is: please ensure that for the women in this province the changes that accrue or may accrue do not work to their disadvantage, because they have needs that are quite unique in this area, whether they're aboriginal women, multicultural women, mainstream women like ourselves, or whatever.

MS MERTICK: You'll notice in our background paper that in fact what we've done is discussed a variance of the types of decisions that could be made. The one clear discussion: we say that maintaining the status quo won't work.

MR. DEPUTY CHAIRMAN: Stockwell, please, quickly.

MR. DAY: Thanks, Ann and Elva. I'd like to give all the assurance I can, along with my colleagues, that programs are definitely focused on the needs of women, especially in the area of disadvantaged women, and that will always be the case.

Just quickly on the question of universality. What would you suggest as a mechanism of provincial appeal or constitutional protection for a province? I'll use an example right here in Alberta with day care. A decision was made, as you're aware, not too long ago by the government, reflecting what we felt was the majority wish of the people, that a universal day care subsidy is not something the people of Alberta want, that two individuals, two salary earners, let's say, making $150,000 a year each – let's say a couple of doctors or whoever it might be; $300,000 coming into that family – should not in fact have access to the same subsidy that another family or woman making $20,000 a year does. She should in fact have a greater subsidy and greater assistance in accessing day care. That flies in the face of Ottawa's approach to universality. What could you suggest in terms of a constitutional appeal for that type of thing, or should the federal government just be able to overrule a province in a situation like that?

5:11

MS TWEDDLE: Well, I don't think that when we're talking about universality, that is what . . . I think we have used the word wrongly in our discussions here, because what we are suggesting is a universal level or a universal standard. Okay? We haven't addressed the issue, as you've suggested. So what we're speaking to in terms of constitutional reform is, as I've pointed out before, that we want a universal minimum level of social, health, whatever kinds of services. We don't want to have women in Alberta and in Canada in a position where you can get certain kinds of health services if you go to Saskatchewan but can't get them in Alberta, or the reverse. So I know we did use the word "universality" in our discussions here, but it was related to what is a different issue. We probably should have used the words "level of standard" or "national standards" or something like that as opposed to "universality."

MR. DEPUTY CHAIRMAN: Thank you very much.

MS MERTICK: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Mr. Ron Grantham. I'd invite Ron to come forward, please. Welcome, Ron.

MR. GRANTHAM: Thank you. Mr. Chairman, ladies and gentlemen of the constitutional reform task force of Alberta, I come before you today as a citizen of Canada, proud to be a Canadian, who has concern over the present state of some unstable affairs in our country and who strongly desires concentration on the many positive factors which justify a united Canada. I am not an expert on constitutional matters; quite the reverse. I represent no interest group other than that of myself and my family. As a first generation Canadian born in British

Columbia, I am a civil engineer. I've had the privilege of receiving a good education in Canada, and I've had the opportunity of working and living throughout Canada in both territories and in every province except Newfoundland.

The unstable state of affairs in Canada today includes many factors, all of which are affecting Canada's unity and the Canadian economy. Aboriginal issues must be resolved now. Constitutional reform must be reached by consensus. An acceptable amending formula must be devised. Quebec must be included under our Constitution and remain in the united Canada. Two major factors affecting Canada's problems are globalization of economic conditions, requiring us to achieve a more competitive position, and our fiscal problems of high national and provincial debts, living beyond our means, and an apparent heavy burden of taxation. We appear to have developed a resource-based welfare state which we are having difficulty sustaining. In very general terms, Canadian economic survival must be our objective today in a global economy where only the strong and resolute will compete and survive.

With respect to constitutional changes, I believe it is a great loss to Canada to presently have Quebec excluded from our Constitution, as it has been since 1982. A major objective must be getting Quebec included within our revised Constitution. Mr. Chairman, it is my belief that both western Canada and Quebec in reality have the same objectives, but because of the distances that separate us, coupled with political and media biases, we have difficulty understanding and appreciating what similarities exist. As a Canadian interested in maintaining Canadian unity, it hurts when I hear someone say that if Quebec wants to leave, let them go. It seems to me that such an expression does not attempt to understand the situation that exists between Quebec and Canada, where the Quebec people feel they are being forced by the rest of Canada into a position where they must separate. Rejection of the Meech Lake accord was to Quebec like a kick in the teeth when Quebec was already on its knees to the rest of Canada.

National emphasis on bilingualism and multiculturalism should cease. We must emphasize Canada and Canadians, and we must be proud of what I find expressed by American friends of mine in Florida and California, who say to me how proud I must be as a Canadian to have the French connection in Quebec and how proud they are as Americans that in North America there is an area such as Quebec.

Again, Mr. Chairman, it is my view that we must be more positive. We must be more enthusiastic. We must look at the pluses we have. There are negatives and always will be, but we must build on that which is positive. In Canada today we have many more relationships among our provinces that are positive than are negative.

On federal versus provincial jurisdictions, there is a question as to whether present provincial powers should be increased or decreased and, likewise, whether present federal powers should be increased or decreased. Establishing a clearer definition and separation of provincial and federal powers must be an objective of constitutional reform when today there is so much overlapping and duplication of these powers and resultant government services, causing confusion and wasted expenditure.

Power with respect to decisions on education, welfare, and health care must be clarified between federal and provincial governments. Surely, for example, if one province wishes to introduce user fees for hospitals, the federal government should not be in a position to cut off federal funding.

On the matter of immigration, I concur with the Meech Lake accord, which provided immigration powers for the provinces.

Existing trade barriers between provinces must be removed to provide free trade at least within our own country. To develop a unified economic trade basis between provinces, the federal government should have the power to resolve these interprovincial trade barriers. As provinces become more and more involved individually in economic trade offshore – for example, the western provinces with trade in the Pacific Rim – our provinces should have more direct control of this economic development.

Transfer payments made by the federal government to the provinces need to be better defined and more equitably controlled. Over the period 1961 to 1988, only two provinces – British Columbia and Alberta – received less money than they paid out in taxes to the federal government. British Columbia had a net outflow of $9.3 billion, while Alberta paid out than $208.7 billion more than it received, including the $63 billion during the 1980 oil crisis. Even Ontario received an inflow of $24.3 billion more than it paid out to the federal government. To manage this transfer of funds more equitably, it is my suggestion that the regional aspect of our country be used to establish more equitable transfer rules within our Constitution, looking at a western region, an Ontario region, a Quebec region, and a maritimes region. There are perhaps other areas of provincial/federal jurisdiction which could be better resolved within the four-region structure.

Another matter demanding attention and decision is the Senate of Canada, which in its present form is not effective. The triple E Senate is not an easy concept for provinces like Ontario or Quebec to accept, but on the other hand, in the United States it took from 1890 until 1912 for the Senate to be established where each of the states today, regardless of population, has two Senators, with a variance in population from 553,000 in Alaska to 31,800,000 in California, larger than Canada. We must continue to push for Senate triple E status.

5:27

On the matter of government expenditures we appear to be in a state where, federally and provincially, every government is realizing the extent of its expenditures exceeding incoming revenues, resulting in mounting debt and the need to both cut back and attempt to increase revenue. Many of us say that it is waste by excessive government spending, but when one looks at the majority of these expenditures by government, this spending goes directly towards maintaining the people and not to maintaining the governments. Some 65 cents of every dollar spent goes on education, social benefits, and health care, and these three items alone constitute the major levels of expenditure for all governments.

Mr. Chairman, we are proud as Canadians of the systems that we have developed with respect to education, social benefits, and health care. In fact, we are envied by the world, but we are quickly reaching a level of cost which we can no longer afford. For example, in the province of Ontario the cost of health care doubled in the last five years, from $8 billion to $16 billion, while in Alberta health care costs have risen by 300 percent over the past 10 years.

Now a few short and quick observations. We need Quebec and Quebec needs us. The Charter of Rights is in need of revision, if not removal. At present control of the Charter of Rights lies with the judiciary and should reside with elected representatives. Also, Mr. Chairman, guarantee of rights is of no value unless there is a clearly defined list of responsibilities to justify the rights and privilege.

In conclusion, this one voice calls for the use of reason, logic, and common sense in approaching our problems today, where we as Canadians recognize that change must be made, but we should be proud of what we have accomplished over 124 years. It is time for us as Canadians to follow the words of a song popular in the '40s: we must accentuate the positive and eliminate the negative. Mr. Chairman, ladies and gentlemen, there is in Canada today so very much more that unites us than divides us.

MR. DEPUTY CHAIRMAN: Thank you very much, Ron. We appreciate that presentation.

Barrie.

MR. CHIVERS: Thank you, Mr. Chairman, and thank you, Ron. It's nice to have an optimistic viewpoint – it really is – to receive a viewpoint which is uplifting and forward looking. You spoke of constitutional reform by consensus, and I take it from that you meant by a consensus of the various levels of government, the federal government and the provincial governments. I take it that I'm correct, that that's what you intended. I'm wondering if you'd address the question of a constituent assembly. There's been a lot of support expressed to us for that model of constitutional reform for the very reason that it does, to a certain extent, either eliminate or reduce the role of politicians in the process of constitutional reform. I'm wondering what your thoughts are.

MR. GRANTHAM: I did consider that, and I'd go along with it if there was a preponderance of opinion favouring it, but I guess I really question whether in the long run that would be useful. If it does give the population the feeling and the benefit of thinking that gives them a greater opportunity, then fine.

MR. CHIVERS: You'd expressed some concern also with respect to the interpretation role of the courts, appointed judges, with respect to the Charter. There's been some suggestions made that perhaps we should have an elected judiciary. What are your views with respect to that?

MR. GRANTHAM: Oh, I would question having an elected judiciary. I know the United States has it and the problems that they have. I was speaking to several federal Senators this afternoon in the United States, and they said to keep away from an elected judiciary. But that brings up the whole question – I didn't refer to it. You know, Quebec wants to have the courts stop at the Court of Appeal in Quebec, not going to the Supreme Court of Canada. I see certain wisdom in that. I think our courts are too overloaded now. At one time we even went to the Privy Council of London. You know, we've got nine lawyers in North America to every engineer, and they've got 11 engineers to every lawyer in Japan. Of course, I'm prejudiced. I think that's an advantage.

MR. CHIVERS: I'm not going to comment. It might tend to incriminate me.

Thank you, Ron.

MR. DEPUTY CHAIRMAN: I guess silence means consent, Ron.

MR. GRANTHAM: Mr. Chairman, I thought there might have been a question concerning the power to the provinces with respect to economic development. I thought there might have been a question raised by my good friend over here. Do you have a question related to that?

MR. CHUMIR: Well, I have many questions. I was kind of trying to be collegial here.

MR. DAY: He also was afraid of your answer.

MR. GRANTHAM: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Our next presenters are Kevin McKinney and Carol Marceau of the Alberta Catholic School Trustees' Association. I'd like to invite them to the table. It seems like we've seen Kevin McKinney before. Nice to see you again, Kevin. You were perhaps expecting the other committee?

MRS. MARCEAU: We'll use a different voice and hope that holds your attention. I am Carol Marceau, president of the Alberta Catholic School Trustees' Association, and you're familiar with Kevin McKinney, our executive director.

Our message, Mr. Chairman and committee members, is very brief. Albertans clearly cherish their educational system of public and separate schools, and they expect it to remain essentially intact in any constitutional review process. We therefore urge the Alberta Assembly to include in this process initiatives for the protection of the separate school rights, powers, and privileges presently afforded to Albertans under the Canada Act of 1982.

Bringing these initiatives forward may be a tall order for this committee, but they are, nevertheless, essential and worthy ingredients of the Alberta educational legacy which could well carry as an Alberta contribution substantial benefit to all members of a united Canada. But why should your committee undertake such initiatives? In simple terms, Mr. Chairman, because Albertans have learned to love and value those rights as part of life in our province. Those Albertans have every reason for that appreciation. Their record of experiences has earned that value. This presentation will attempt to convince you of that value by illustrating the Alberta record in detail: the legal and constitutional record, the historical and educational record, the financial record, and the religious record.

The legal and constitutional record states that Albertans clearly enjoy educational minority rights, provisions which stem in large part from the British North America Act of 1867, section 93. They are further specified for Alberta in the *Ordinances of the North-West Territories*; the Alberta Act; the Alberta School Act, 1988; the Charter of Rights and Freedoms, section 29; and other related court judgments. The federal government's counterpart for these provisions focuses on the Canada Act of 1982, and the appendix accompanying this document will outline that for you.

Careful examination of those provisions reveals a nature which is enabling rather than restrictive. They enable and enhance collaboration between the provincial government and school trustees. As a sound management principle, that collaboration extends and distributes authority and representation in educational governance, thereby developing leadership and ensuring both responsibility and accountability. In fact, the record clearly shows that those provisions, when consigned to a defined class of persons, unquestionably generate the following: leadership in educational government; political compromise as opposed to litigation; acceptance of religious, cultural, and linguistic plurality; community; pride of ownership; parental involvement;

academic excellence; committed, tolerant, and well-rounded youth; and citizens proud of their provincial and national heritage.

5:37

Moreover, these provisions, enshrined by law in the province at the union as a simple dissent from the religious instruction of the majority, have evolved, in Canadian constitutional language for denominational schooling, toward a wider definition of "concept and practice," an attractive paradigm most worthy of preservation and enhancement by this government.

The historical and educational record says that historical evidence validates the pioneer days of Alberta's public schooling, clearly denominational since its 1905 inception. The first unit established in a jurisdiction is termed the public school. The second, in accordance with resident minority rights provisions of Protestants and Roman Catholics, is the separate school. Either or both of those educational jurisdictions may or may not exercise a religious persuasion. In any event, confessional rights in schooling were afforded a primacy in league with language guarantees. Considering the historical context at the turn of the last century, it is not at all surprising that in 1904 there were 16 Catholic public school districts and six Roman Catholic separate school districts. Nor is it surprising that engaged today in Alberta Catholic education from ECS to grade 12 are 90,481 students, 5,291 teachers, 263 Catholic schools, and 269 Catholic school trustees in six public and 47 separate school jurisdictions.

In today's context likewise, the preamble to the present School Act speaks volumes:

> Whereas there is one publicly funded system of education in Alberta whose primary mandate is to provide education programs to students through its two dimensions, the public schools and the separate schools.

History attests to the wisdom of those constitutional provisions, the constitutional compromises on Confederation. In 1905 they were a precondition of Alberta's entry into nationhood, every bit as significant as was the railway to the residents of British Columbia. One can only conclude they are equally if not more important in Alberta today.

The financial record. Equitable financial support is implicit in educational minority rights provisions. The extent of that equity is measured in relation to its capacity to give effect to the constitutionally enshrined provision. With any less measure the right would be of no practical value and therefore nonexistent. We appreciate in that regard that the province is moving toward fiscal equity in education and that, in the midst of some very dire and immediate need, cabinet decisions are pending. As anxious as we are about those decisions, the measure of that equity is not our purpose here tonight.

The religious record. Our final record of experience is obviously the heart and purpose of the educational minority right. To enhance your understanding as well as to respect our time limitations, we simply draw your attention to these criteria cited by external researchers Patterson and Tkach in 1988 as key elements of a Catholic school identity in Alberta.

> Catholic schools are Gospel-centered communities . . .
>
> As microcosms of Canadian society and of the Catholic population of Alberta, Catholic schools serve students of diverse backgrounds, abilities, and interests. These students reflect differences in race, ethnicity, class, physical and mental capacity and religious belief and commitment.
>
> Each person is a unique gift from God . . .
>
> Christ's life, mission and teachings are the focal points of belief and conduct within Catholic schools . . .
>
> Catholic schools are concerned with the total individual and must foster the development of body, mind and spirit . . .
>
> Catholic schools acknowledge and teach that the highest form of knowing is revelatory in nature, and that when culture and faith come in conflict, the higher form of knowledge takes precedence . . .
>
> Catholic schools strive to provide children with a set of values and a way of viewing the world and personal experiences which enables them to act in a positive, constructive and optimistic manner.

That is a brief record, Mr. Chairman, of the Alberta experience. It carries an abundance of most valued benefits which many Albertans have now come to expect, without question worthy of continued preservation in any constitutional process.

In closing, we repeat our message from the outset of this presentation, that the Alberta Assembly as an outcome of this process commence all necessary initiatives for the protection of the separate school rights, powers, and privileges presently afforded to Albertans under the Canada Act.

Thank you for allowing us this time.

MR. DEPUTY CHAIRMAN: Thank you very much, Carol and Kevin.

MR. CHIVERS: I don't have a question, Mr. Chairman, but perhaps I could just say that I don't believe anybody has put minority religious education rights in issue before us.

MR. DEPUTY CHAIRMAN: Except one, one in Hinton.

MR. CHIVERS: Oh, okay. It certainly has not been an overwhelmingly supported proposition, that there should be any change with respect to minority religious education rights.

MRS. MARCEAU: It's certainly encouraging to hear that from you and that that is what this group is hearing.

MR. DEPUTY CHAIRMAN: We've now heard hundreds, I think, of presentations, and there's just been that single one.

MRS. MARCEAU: I would just urge again that the Alberta Assembly take an initiative, perhaps, in protecting these rights. Thank you.

MR. DEPUTY CHAIRMAN: Thank you. Well, we feel our province's record has been pretty strong in that regard, and we certainly are receiving no pressure to change the course.

Sheldon.

MR. CHUMIR: I was going to say simply there's no cause to lose a wink of sleep, from what I'm able to see. I was going to ask something in terms of a broader perspective, but I think, looking at the time frame, I'm going to start trying to draw brownie points.

MR. McKINNEY: Could I just make this point, Mr. Chairman? You would have to be aware of what is going on in the other provinces. I know and understand there appears to be no problem whatsoever in Alberta, but if you want me to supply some updated information on what is going on in the rest of Canada, I would be happy to do that. It's the kind of thing that you would encounter attitudinally and as far as litigation is concerned. My purpose is to have you not go into this unaware of where the other fellow's coming from.

MR. DEPUTY CHAIRMAN: Well, we would appreciate receiving that, but if you would like to briefly and quickly say orally where this opposition is centred and then supplement it with more details, you're quite free to do that too.

MR. McKINNEY: Well, the denominational schools in Newfoundland are under study. There's a four-denominational system there. There was a commission here not long ago that I appeared before. They are in serious jeopardy, not only for financial reasons but for other reasons. In the other maritimes the gentlemen's agreement with respect to denominational schools, specifically Roman Catholic and Protestant, has not been kept. In the rest of the maritimes they are virtually nonexistent.

Ontario is up to its ears in litigation at the moment, having received new funding, and is searching for identity, but they are being lambasted with respect to opening prayers in schools, with respect to delivery of religious education programs. They're in the courts. Their whole system, in my view, is quite upset.

Manitoba has a federal order to implement a separate school system, and the provincial government in Manitoba has ignored it.

For the most part, it's Saskatchewan and ourselves, because British Columbia does not have a separate school denominational system.

That's a summary, but the one I missed is perhaps the most important, and that's Quebec. Denominational schools are being squeezed by language schools in Quebec. Minister Betkowski I'm sure is familiar with the Bill 107 struggle, the interventions that are going on. They go to the Supreme Court this fall. It's heavy, heavy business. As I repeat, I have no problems with you people; I just want to see that you know where the other fellow's coming from and work in that context in the interests of the 90,000 students in our school.

5:41

MR. DEPUTY CHAIRMAN: Thank you. That's very helpful.

MR. McKINNEY: Thank you.

MR. DEPUTY CHAIRMAN: I now invite Dr. Phyllis Giovanetti of the AARN to come forward, please. Oh, and Jennifer Sherwood. Sorry. My note thought that there was a replacement. Sorry, Jennifer.

MS SHERWOOD: I'm just here for support.

DR. GIOVANETTI: She's here to answer the questions.

MR. DEPUTY CHAIRMAN: Well, we'll let her go, because time seems to be of the essence. Welcome, Phyllis.

DR. GIOVANETTI: Thank you very much. I'm president of the Alberta Association of Registered Nurses. You have our submission before you, so I will merely spend a few moments highlighting some of the areas of concern. The Alberta Association of Registered Nurses represents approximately 24,000 registered nurses in Alberta. We are the largest single body of health care providers in all health care settings across Canada.

Our brief does not address cultural and linguistic issues. We have focused our attention on maintaining the integrity of the Canada health care and postsecondary education systems, issues related to women, collective bargaining, and the environment.

On the issue of health, we cannot emphasize enough, Mr. Chairman, our belief that Alberta's position on constitutional reform must encompass fundamental principles which would guarantee truly free access to health care for Canadians and preserve and improve the federal government's involvement in health and postsecondary education. In our view, the establishment of minimum health standards throughout Canada requires both federal funding and federal standards. While constitutional guarantees could be included in a social charter or through some other means, the importance of federal funding as a method of enforcing federal standards cannot be overestimated. The use of federal funding power to enforce federal standards has in effect resulted in a de facto amendment to the Constitution, in our view, giving to the federal government concurrent powers in the areas of health and postsecondary education, and we do believe the federal role is essential.

Our association and our members firmly support the Canada Health Act which affirms the basic principles of Canadian health care, the five tenets, namely: universality, comprehensiveness, accessibility, portability, and public administration. Canada's health care system, one of the best in the world, has become extremely costly, and indeed many have commented that our health care system faces a major crisis in this respect. It seems clear to us that if the national standards are not maintained we risk not being able to meet the health care needs of Canadians. Health promotion, health maintenance, rehabilitation, home care programs are all increasingly being demanded by people to help them assert control over their own health and to foster efficient use of our financial resources. It is indeed unfortunate that the cutbacks and targeted transfer payments to the provinces have been enacted when a strong need exists in every province to begin new, innovative, and health promotion kinds of programs.

On the issue of postsecondary education, we are confident that with a reshaped Constitution the federal government will be able to find innovative ways to continue its leadership role in postsecondary education. Technology and social changes are unfolding at a rapid pace, and the pressure on our secondary educational systems continues to increase. As a result, we must find new ways to increase the accessibility of the Canadian public to these programs. Accessibility to postsecondary education for all Canadians, in our view, will go a far way to address the social issues relating to poverty and to ill health. We urge special attention to disadvantaged groups such as women, aboriginal peoples, persons with disabilities, and members of visible minorities.

Registered nurses are the largest group of health care professionals in Alberta, and well over 90 percent of our members are women. On the issue of women's issues, we are very pleased to note that the constitutional discussions will address securing and advancing the status of women toward equality. We are particularly concerned about reproductive freedom of women and urge that it be protected in the Constitution. In our brief to the Royal Commission on New Reproductive Technologies, we recommended that approved reproductive technologies be made universally available to Canadians as insured services, and we strongly suggest that health services, not only medical services, associated with reproductive rights of people be guaranteed by being entrenched in the new Constitution.

As a predominantly female profession, the issue of employment and pay equity has long been of great concern to us. The idea of a social charter within a new Constitution containing a statement of principles which would stimulate the development of legislation guaranteeing employment and pay equity is very appealing to us. Experience has shown that legislation appears to be the only way to address gender discrimination, which is apparent among health professionals. There are inequities within a system which employs a well over 90 percent female nursing work force.

In the past when classification systems have been proposed for the purposes of pay equity, you might be interested to note that clinical nurse specialists have been compared to the director of morgue attendants, registered nurses have been compared to assistant pastry chefs, and nurse clinicians to the director of the parking lot attendants. It would appear from the above that the work of registered nurses in all classifications is undervalued. Legislation which meets a national standard is required in every province to fairly address the pay equity issues raised by registered nurses.

On the issue of collective bargaining, our association throughout Alberta and across Canada supports free collective bargaining and does believe it should be given a constitutional guarantee which includes the freedom to organize, strike, and picket. Since nurses were given the right to form unions, every province in Canada has systematically removed nurses' real power to withdraw their services, and in most provinces it is now illegal for nurses to strike. While registered nurses understand and fully support the need for the provision of essential services, the way in which these essential services are determined is in dispute. You should note that our code of ethics is clear on this issue and the issue of job action, and nurses have always continued and will always continue in compliance with their professional code, which ensures that the safety of clients remains a first priority.

On the last issue that we responded to, environmental issues, the environmental legislation does not seem to provide sufficient environmental protection. We believe that the constitutional responsibility for environmental protection should be shared by both federal and provincial jurisdictions. We would support explicit linking of human health and environmental issues for the purposes of policy-making, intervention, and public protection. The strengthening of intersectorial co-operation and co-ordination among government organizations responsible for existing resources is encouraged.

That is our presentation. We'd be happy to answer any questions.

MR. DEPUTY CHAIRMAN: Pearl.

MS CALAHASEN: Thank you, Mr. Chairman. Some of your colleagues came out last night and presented to us a similar presentation. You are saying that there should be a national standard in terms of some of the health care and a number of other responsibilities. Do you believe that a federal government or one order of government should be able to impose certain national standards without having any kind of responsibility in terms of bearing the costs on some of these standards?

5:51

DR. GIOVANETTI: Well, our argument for national standards as opposed to a transfer of that kind of responsibility to the province is that we firmly believe in the tenets of the Canada Health Act. While we understand that a province may well adopt those tenets, that would not guarantee that they'd be adopted across Canada, and we do speak to the tenets of the Canada Health Act for all Canadians. So that is our reason . . .

MS CALAHASEN: So that's on one position in terms of health. But on other things in terms of national standards to be set, like for education, et cetera, and a number of other things, when the federal government – as you realize, the cuts have been coming in terms of transfer payments. Yet if there is a national standard on anything that comes from the national government, our particular kind of government – if there's no money coming forward and they impose these standards, do you believe they should be able to do that and have that ability to be able to do that without bearing any of the costs associated?

DR. GIOVANETTI: Well, they should have some responsibility for the costs. I think one of the concerns we have is that there's no teeth, there's no mechanism to ensure compliance with the standards if it's merely not tied to any real responsibility.

MS CALAHASEN: So then they would have to ensure that there is some money available in order for that standard to be maintained.

DR. GIOVANETTI: I think that's right. You know, we're very familiar with the way it has been . . .

MS CALAHASEN: Through transfer payments.

DR. GIOVANETTI: Right. It's quite possible, though, that there's some other innovative approach to creating the same kind of teeth to ensure that the principles would be . . .

MS CALAHASEN: Do you have any kind of idea as to what is possible?

DR. GIOVANETTI: Well, other than the notion of a social charter that might be enacted that could provide that, no, and frankly our brief supported the previous approach.

MS CALAHASEN: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for your very comprehensive and thoughtful brief. I don't want to address the substance of your suggestions for constitutional reform and where the power should reside; I think it's fairly clear what your views are. What's not clear to me is how we achieve a reading of where our population stands in terms of many of these issues, because we've had a host of different positions presented to us throughout the province, as I'm sure you can well imagine, a great deal of difference, some of them regional, although there's been a range of opinion expressed in each area.

So what I was wondering is if you have given any thought to the question of the process of constitutional reform. I've been interested in people's views with respect to the constituent assembly approach. Without going into the details or any particular model, do you have any views on it? Let me ask you a neutral question rather than leading you.

MS SHERWOOD: I'll try that one. I can't speak on behalf of the ARN. We can't at this point with respect to the constituent assembly or any other method. We have been encouraging our members to submit briefs to this forum and also to speak up at public forums. That's one thing we have done. But we haven't actually checked them out in the sense of would they agree to a constituent assembly of elected people and perhaps wrest some of the power from the politicians. Being a fairly egalitarian group, I think I could be safe in saying that our members probably would support such an action.

MR. CHIVERS: Perhaps if we put it on a personal level rather than . . . I don't mean for you to express an opinion on behalf of an association when you haven't canvassed them, but do you have any personal views, either of you, with respect to that?

MS SHERWOOD: I as a person certainly do, and I would definitely support the idea of a constituent assembly. I think this is probably one of the major things that's happened to Canada in the last 125 years, and I believe we have to hear from Canadians. We must hear from the people, and this is one way of doing it. It isn't the only way.

MR. CHIVERS: We seem to be getting a large number of Albertans who agree with that feeling: that the Constitution is the Constitution of the people and the people must be deeply involved in reforming it.

MS SHERWOOD: I think it's safe to say that any repeat of the process that occurred with the Meech Lake accord is unacceptable.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I want to explore again the national standards for health care and the payment that Pearl had got into. That's where, I think, we're having a difficulty. Although Mr. Chumir might interpret it differently, I and I think most believe in a national standard, believe in the health care system, believe we need to maintain that, yet the difficulty that's caused by having that provincial jurisdiction and having it now influenced by the federal withholding – taking of taxes and not giving it back – yet giving standards is now, I think, beginning to distort what started to be a very effective system. One alternative that I haven't fully heard any thoughts on is the possibility of the provinces themselves establishing the standards they'd have to live by. There may have to then be some other federal involvement in ensuring the mechanism, but would you consider something other than the federal government establishing national standards if it was trying to meet that kind of goal?

DR. GIOVANETTI: Well, I think that if the province were to set up the standards we currently have – in other words, support the five basic tenets – then we'd have no problem with those standards. I think the issue that we have – and indeed, we've already had confirmation from our own minister that there's support for that, and that seems to be the preference of Albertans. They're interested in that, and they want to maintain that. I think the concern is that other provinces might not take that stance, and we would be concerned about the health of Canadians and about the differences between provinces.

I don't think it's entirely impossible that the tenets could be revisited. I think we need to look at the expression of those tenets and are there other ways of fulfilling them. I think we saw only one way to fill them a number of years ago when they were established, and maybe they need to be revisited, and that there are options. I'm fully supportive of the notion that we could explore those to see if there are options that we could employ or that provinces could employ without jeopardizing the fundamental beliefs that are held.

In summary, I'm saying maybe it is time to explore those fundamental beliefs in terms of what options also provide conformance to that belief. We've always tuned in to only one set of options, and maybe it's time to look at that again.

MR. ANDERSON: My own feeling would be that the basic tenets are still very widely accepted and agreed to and supported. I guess it's being innovative in the mechanism that we now need to consider. We keep talking about provincial authority or federal authority and I guess have only experienced those two absolutes, but I don't know that both in that area and perhaps education, where people seem to like the idea of having grade 12 here mean the same as grade 12 elsewhere, we couldn't have some way of requiring provinces to establish a standard which they would meet within their taxation ability. Other than that, I think we've got to find some way of having the federal government be responsible for standards they establish, and I'm not sure how you accomplish that.

DR. GIOVANETTI: Well, I think the fee for service is a very good example of an area that's been unexplored. Every time that is brought forward, many of us object strenuously to it because it simply violates; in other words, fee for service as it has expressed itself – and we have had it in operation throughout Canada at various times – in every one of those occasions did indeed violate accessibility. Now, possibly it could be enacted in a way that it does not, but in the past it has not happened that way. Thus we have always taken a very firm position of being opposed to fee for service, because every time it has been used it has, in fact, clearly violated one of the basic tenets.

MR. ANDERSON: Interesting.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Very briefly. Thank you. Are you supporters of the Charter of Rights?

DR. GIOVANETTI: Yes.

MR. CHUMIR: Thank you. I'm very curious about your reference here to the recommendation that approved new reproductive technologies be made universally available as insured services. Earlier you referred to reproductive freedom of women, and I would have thought that would be referring to abortion, but perhaps not. There's an ambiguity in here between abortion, fertility procedures, and so on. Perhaps you might enlarge on that.

MS SHERWOOD: Okay. Our brief to the Royal Commission on New Reproductive Technologies did not address the issue of abortion. Instead it addressed issues of in vitro fertilization and the newer reproductive technologies that we know are either around or are certainly being researched. We also addressed a very major issue, which is bioethical issues and the fact that there need to be some mechanisms put in place for bioethical consultation, which was one of the major thrusts of our brief.

MR. CHUMIR: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. The committee will stand adjourned until 7 o'clock.

[The committee adjourned at 6:02 p.m.]

7:02 p.m. **Friday, May 31, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Order please. We'll call the committee to order, it being after 7 o'clock, in an effort to stay with our timetable and accommodate the many people who expressed an interest in expressing their views.

I'd like to welcome all participants this evening and those who are members of the audience. Our audience has changed a little bit from this afternoon's proceedings, so I'll take the opportunity of introducing the committee to you. On my far left is Mr. Barrie Chivers, the MLA for Edmonton-Strathcona and the newest member of our Legislative Assembly; on the corner is John McDonough, our administrator; on my left is the Hon. Dennis Anderson, the MLA for Calgary-Currie; on my right is Stockwell Day, the MLA for Red Deer-North; on my far right is Sheldon Chumir, the MLA for Calgary-Buffalo. My name is Stan Schumacher, and I represent the constituency of Drumheller.

I'd like to say that the committee welcomes all those who are here this evening, in particular those who have prepared presentations to help Alberta express its point of view in relation to the constitutional matters now facing the country.

Our first presenter this evening is Mr. Neil Weir on behalf of the Sherwood Park citizens group. I'd ask Neil to come forward at this time. Welcome, Neil.

MR. WEIR: Thank you.

MR. DEPUTY CHAIRMAN: I should say that the time has been structured to allow 15 minutes for each presentation. The Chair has been known to be somewhat flexible, but it's impossible to be completely without rules or else somebody's going to be deprived of the right to say something, and we don't want to have that happen.

Thank you, Neil. Please proceed.

MR. WEIR: Mr. Chairman and members of the committee, thank you for hearing our presentation. This brief was drawn up by a few concerned citizens from Sherwood Park and surrounding area and then discussed with other people from the same area who provided critiquing and fine-tuning of the original proposals. Due to time limitations, there are many aspects of a new Constitution with which we have been unable to deal. Because certain areas have been left out of our proposal is not to say that they have been forgotten or are considered unimportant. What was attempted was to cover as many critical aspects of a new Canadian Constitution as possible in the research, preparation, and presentation time available. The presentation has been broken into three parts: one, unacceptable processes; two, recommended processes; and three, substantive constitutional proposals.

In recent history our elected politicians, both federal and provincial, have proven themselves unable or unwilling to listen to the voice of the people even on such universal matters as our Constitution – present company excepted, of course. When the Meech Lake accord was opposed by a majority of Canadians and subsequently blocked by a couple of farsighted people, the elected politicians, including the Prime Minister and the Premier of Alberta, blamed Elijah Harper and Premier Wells for the failure of the accord. This phenomenon applied equally to all three of the old-line political parties. However, it was obvious to the majority of Canadians that the process was flawed, not the reasoning of Harper and Wells.

The elected politicians are now paying lip service to the concept of involving the people of Canada and the people of Alberta in the process of creating a new Constitution. To illustrate how little substance there is in this rhetoric, in spite of the flood of commissions now supposedly listening to the people, in the week of May 12 the Prime Minister stated that the failure of the Meech Lake accord was the direct responsibility of Premier Wells. After hearing the Spicer commission interim report on the level of distrust of politicians by the Canadian people, he stated in the House that the House of Commons was the highest constituent assembly in the land. The politicians have learned nothing. They have proved time and again that political power is their major consideration and concerns of the people are secondary. It is therefore concluded that the elected politicians must be left out of any constitutional process except for the final step of legally entrenching the new Constitution.

Then two, on recommended process. For all the above reasons, as well as others, the creation of the new Canadian Constitution must be placed directly in the hands of the Canadian people. It is proposed that the Constitution should be prepared by a directly elected constituent assembly that is as nonpartisan as possible. The size of this assembly should be in the order of 150 to 200 members elected on the basis of representation by population, perhaps one for each two federal electoral districts plus the aboriginal peoples, with at least 10 members elected by aboriginal peoples. It is realized that this gives the aboriginal peoples double representation in some instances, but it is felt this is not only acceptable but desirable.

All regions and the aboriginal peoples must be represented on each of the working committees of the assembly. There would have to be technical assistance to assist the assembly in preparing the final draft of the Constitution. This final draft would then have to be passed by a double majority consisting of 75 percent of the assembly and two-thirds of the provinces and territories participating. Quebec would be represented in correct proportion, providing it chose to participate. If not, the assembly would have to proceed in the prescribed manner. The final result of the deliberations of the assembly would then be taken to a binding national referendum. To become entrenched, the new Constitution would have to obtain the approval of 75 percent of Canadians and two-thirds of the provinces and territories participating.

An alternative to this method would be to elect the above delegates by region based on the five regions of B.C., the prairies, Ontario, Quebec, and the maritimes, including Newfoundland. The balance of the procedure would be essentially the same, but it's considered that it might be very difficult to achieve a consensus.

Some elements of a new constitution:

A. The preamble. The preamble must clearly state that all Canadians shall be treated equally under the law without regard to race, colour, creed, gender, sexual orientation, et cetera. This approach is deemed to be more satisfactory than trying to spell out each and every possible application. This principle must be made very clear for the courts. In addition, it should clearly state that all provincial and municipal governments shall be treated equally under federal law. There can be no separate legal status.

B. The Charter of Rights. Remove the notwithstanding clause. It negates the purpose of the Charter and has already been used to remove rights from Canadian citizens. Again, all

Canadians must be treated equally.

C. The House of Commons. One, the existing system of determining federal electoral districts is adequate. Two, elections should take place every four years on a fixed date. If a government falls between elections, the election date of the new government becomes the fixed date. Three, the operating rules must be improved so the government can be brought down only by a separate motion of nonconfidence. Defeat of a Bill would be considered a signal to improve the legislation. This allows for a more democratic representation of constituencies by MPs by reducing the effect of party discipline.

D. Fiscal policy. One, there must be a limit on taxation, established by determining the maximum allowable ratio of taxation to gross national product both federally and provincially. Two, by law a government must have a net balance of its budget in any four-year term.

E. The Supreme Court. Supreme Court appointments must be approved by the Senate, and here we're referring to a triple E Senate. If the notwithstanding clause is removed from the Charter of Rights, the court is left with no checks and balances. Parliament must be supreme and therefore must have control over who is appointed to the court.

F. The Senate. One, a triple E Senate is a must. The following is a suggested makeup: six Senators per province and four Senators per territory. Two, Senators would be elected for a term of either four or six years, with one half replaced every two or three years. This allows for the commencement of replacement of an unsatisfactory Senate. Three, the Senate should have effective powers but should not have the power to obstruct the operation of the government by withholding normal or emergency operating funds.

G. Direct democracy. The following elements must be entrenched in the Constitution. One: national referenda on major issues such as constitutional amendments and major moral and ethical issues. Preferably these would be held in conjunction with national elections. For constitutional amendments, the double majority rule would have to apply. Two: recall; that is, a procedure to remove an elected member from either House in midterm and create a by-election for that seat. There are some practical difficulties with this. For example, how do you prevent political opponents from frivolously bringing about a recall? It is felt, however, that these are surmountable. Three: citizens' initiatives; that is, a procedure whereby a predetermined percentage of the voters could institute a Bill or the cancellation of a Bill. This Bill or cancellation would then have to go to a referendum, as in element one above.

7:12

H. Language and culture. One, French is to be the language of commerce and society in Quebec and English is to have the same force in the remainder of Canada. Any province or region would have the option of being bilingual by means of a local referendum. Parliament and the Supreme Court would be bilingual. Services would be available in both official languages where numbers warrant. The imposition of official bilingualism, as with the present Bill C-72, is undemocratic and divisive. And two, culture is what it is where it occurs and should be allowed to flourish unhindered. It must be the responsibility of those living it, and there should be no laws relating to it. Culture should not be considered a political entity or supported by the federal government except in those cases where the Charter of Rights is offended.

Thank you again for hearing our presentation.

MR. DEPUTY CHAIRMAN: Thank you, Neil.

Mr. Day.

MR. DAY: Thanks, Neil. Some good thoughts there. On referenda, how would you suggest it would work if there's an item up for a vote by referendum? You mentioned it would be moral or some other issue. If you have a situation – you can pick the topic – where by coincidence or foresight British Columbia, Alberta, and Saskatchewan all vote one way on it but are totally outvoted by the rest of Canada, are they subject then to that vote in that referendum and therefore have to adapt their legislative . . .

MR. WEIR: The two-thirds rule would apply, and for the provinces and territories participating . . . Oh, you're talking about the moral and ethical issues now? I'm sorry.

The simple majority is probably the best method there on ethical and moral issues, because those are things that affect the country equally across the board. Whereas constitutional issues may have more effect on regions, moral and ethical issues are very broad.

MR. DAY: I'm asking these because, you know, we're trying to sort out these things. So it wouldn't upset you constitutionally if Quebec and Ontario, for instance, having 50 percent of the population, voted differently than all the rest of Canada on a moral or ethical issue. It would be the Quebec and Ontario populations that would control that.

MR. WEIR: It might upset me personally, but it would not upset me constitutionally.

MR. DAY: I see. Okay.

On the area of the constituent assembly, you're talking about that strictly for the constitutional process?

MR. WEIR: Purely for the constitutional process, an ad hoc assembly. We feel that one of the strengths of that assembly is that it would be elected for that purpose only.

MR. DAY: How would people be nominated? How would they bring themselves forward to the public?

MR. WEIR: You'd have to have a standard democratic process of people bringing their names forward in the regions or provinces and saying "I wish to run for this" and campaigning in some normal manner.

MR. DAY: I'll pass to another member here, but I'm just curious: as a politician – that's a negative-connotation word these days – who gets accused of not representing . . . You know, all politicians are getting painted with the brush of not representing their constituents. What would be inherently different in, let's say, myself or somebody putting themselves forward for a constituent assembly?

MR. WEIR: Now you're talking about: a constituent assembly is called and they say, "Okay, we're open for nominations for this thing."

MR. DAY: Right, and the process starts, the elections start.

MR. WEIR: Could Mr. Day run for this?

MR. DAY: No. I'm asking this sincerely from the point of view of how I administer my office in my constituency. What in the public view gives more confidence to that person in the constituent assembly once they launch themselves on a campaign saying, "I stand for this, I stand for that"? Where does the extra confidence come?

MR. WEIR: The perception, of course, is that . . . All right. Remember that the assembly is for that purpose, and after that it is disbanded. The perception, as I've mentioned in here – maybe not addressing it enough as perception – is that the politicians are working toward getting themselves elected the next time around, and that would be the inherent difference between a Legislative Assembly or a House of Commons and the constituent assembly.

MR. DAY: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I'm just wondering, Neil, if you could clarify for me a bit your thinking on bilingualism. If I understood you correctly, you were suggesting that regions of a province or provinces could vote to be bilingual.

MR. WEIR: That's correct, yes.

MR. CHIVERS: When you say regions of a province, what do you have in mind? Municipalities or . . .

MR. WEIR: I wasn't thinking of regions of a province so much as regions of the country when we were talking in terms of regions. But certainly any group who felt it necessary could elect to be bilingual.

MR. CHIVERS: I'm still confused as to what geographic areas this would operate on.

MR. WEIR: All right. Let's say New Brunswick, for example, could elect to be totally bilingual, or maybe just the north shore elects to be bilingual.

MR. CHIVERS: Of course, under the present constitutional arrangement, where numbers warrant, for example, in minority education rights, a group can vote to have educational rights. Do you have that sort of arrangement in mind in terms of . . .

MR. WEIR: When we're talking about a referendum there, I think you would have to go to a broader source than just one particular group of people who specifically want French education, for example.

MR. CHIVERS: Did I understand you correctly to say that federal services would be available in both languages?

MR. WEIR: Not necessarily in all areas of the country, but certainly in the Supreme Court, in Parliament, and in those areas where numbers warrant.

MR. CHIVERS: So you would follow that formula in terms of federal services. Where numbers warrant, the postal service, for example, would be available in both languages.

Finally, a matter that's been commented on by a number of presenters or urged upon us by a number of presenters is the question of freedom of information and access to information. Many presenters have urged that that right be constitutionally entrenched. I'm wondering what your views on that issue are.

MR. WEIR: We didn't discuss that as a group. As I mentioned in our sort of preamble, we didn't have time to discuss everything we would have liked to.

MR. CHIVERS: Do you have some personal views?

MR. WEIR: My personal view is that freedom of information should be as broad as possible. I say that as a person with a military background who has watched everything from how the cook should fry the eggs in the morning stamped "confidential." Only those things that are absolutely essential to national security or that type of thing should be withheld from the public.

MR. CHIVERS: So subject to reasonable limitations, you would support the constitutional entrenchment of freedom of information and access to information?

MR. WEIR: I'm just trying to think how you would entrench that in the Constitution. I suppose reasonable limitations would then have to devolve on the Supreme Court again.
Yes.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you for a very thoughtful presentation, very much appreciated. You spoke of Mr. Wells in somewhat approving terms. One of the things Mr. Wells very clearly stands for is a strong central government, and you've not handled that in your presentation. I'm wondering whether you would be able to give us your views with respect to what you think of the needs, pro or con, with respect to a strong central government and particularly a continuing role, as it now has, in health and setting minimum standards with respect to health programs and certain social programs for all Canadians from one end of the country to the other.

7:22

MR. WEIR: At the moment I'm speaking for me; I'm not speaking, of course, for the group that's making the presentation. On some of those issues, on those things such as health and welfare and so on, the West Germans, the Bundestag and the Bundesrat – I get the two confused, but anyway, the federal government. It's almost as if the federal government makes the laws or at least sets the ground rules, and the land or in our case the provinces are responsible for carrying out the administration so that if they achieve the end result as spelled out by the federal government, how they go about it is up to them. I think something along those lines would be my preference for those kinds of things.

MR. CHUMIR: Yeah. I think that in fact is how we do do it at the present time, if I might suggest.

MR. WEIR: Very close, but in Canada we have some bad overlaps at the moment which would have to be sorted out. I don't think I would personally be in favour of taking away an awful lot of the power from the central government, although some of it could be given up.

MR. CHUMIR: Under your language and culture heading, I derive from this that you don't support the multicultural policies we have which provide for funding and programming in active support of different groups. I take it that was a shake of the head no.

MR. DEPUTY CHAIRMAN: For the record, Neil says no.

MR. WEIR: For the record, that's a no.

MR. CHUMIR: I'd like to focus on funding of schools, then, which would support different ethnic and religious groups to have their own separate schools so the children would be separated from each other in those schools. Does that come within the philosophy that would lead you to not support funding?

MR. WEIR: No. The concept of religious separation of the schools even bothers me personally and leads to the exacerbation of such situations as northern Ireland, for example. Hopefully, in Canada things would never become that desperate. However, I suspect that we could never take that particular thing away from Canadians. So if they are prepared to ask no more from, in this case, the provincial government than their per capita allowance would be if they were going to a normal public school, then I think that would be acceptable.

MR. CHUMIR: I'd just suggest to you that with the exception of the separate school systems, which are constitutionally entrenched, the fact is that we do have as provinces, as a nation, the very clear authority to make decisions as to whether we do or do not fund a whole range of other ethnic and religious schools, mainly in the form of private schools. Alberta has chosen to fund those schools, for example, and the province of Ontario has chosen not to. In fact, five and five is the split now. In light of your suggestion that you don't wish to see funding for different multicultural groups – it seems to me that education funding is at the heart of that type of funding – I'm wondering what your view would be.

MR. WEIR: The funding would have to be only what that particular number of people would be entitled to if they were going to the public schools, like the grant per student in the public school system. Then any additional funding required would have to come from the ethnic or cultural group actually attending the school.

MR. CHUMIR: Well, I'm sensing a great inconsistency, but I'm going to have to withdraw from the field on that one.

MR. DEPUTY CHAIRMAN: I think we have to say that our time has been more than expended, Sheldon, and we'll have to thank Neil for his presentation and invite David Schneiderman of the Centre for Constitutional Studies to come forward.

Thank you very much.

MR. WEIR: Thank you, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Welcome, David. Please proceed.

MR. SCHNEIDERMAN: Thank you. Good evening, Mr. Deputy Chairman, members of the committee, and members of the public in the audience. My name is David Schneiderman. I am the executive director of the Centre for Constitutional Studies at the University of Alberta. The centre is an interdisciplinary research institute housed in the Faculty of Law. I'm obliged at the opening to tell you that I am here on my own personal behalf and not on behalf of the centre, so I'd just like to distance myself from the research institute itself.

My aim here is a modest one. It's to address the thorny issue of the process of constitutional reform. However, it's an important one because it bears directly on the issue of what substantive reform we may be able or want to achieve. I think it's trite to say that we're facing a constitutional crisis. The degree of disenchantment, alienation, and constitutional malaise is quite astonishing, so it's more than a constitutional crisis. I think we're facing an identity crisis. We've embarked on a process where we may be forced to choose amongst one of a number of competing images of Canada. I emphasize the word "one," for it is the view that there is only one view of Canada that I think needs to be seriously challenged.

I would submit that there's really no one conception of Canada to which all would likely adhere to. I don't think I need to tell the committee that people in Quebec, for instance, relate differently to Canada than Albertans do and aboriginal people relate differently to Canada than Albertans do. There is a deep complex of different meanings of Canada to which each community subscribes. Our constitutional crisis is an opportunity, therefore, to reaffirm our commitment to these multiple communities of meaning. Rather than bemoan the fact that we're different, I think we should revel in it.

I believe that we must also do away with much of the rhetoric which continues to predominate the debate even today. For example, we hear the constant refrain that we must be Canadians first and Albertans or some other community second. I think it's a perilous notion, sure to fail in giving recognition to the deeper and more complex Canadian reality, and it's likely to divide us as well.

Our challenge is to accommodate constitutionally the differences that exist. What I've tried to set out in my submission is a two-track process for accommodating those differences in the short term and in the long term. In the short term we should attempt to recognize those differences in regard to Quebec and in regard to First Nations peoples. In the longer term we can think more about fundamentally restructuring our federation, particularly in regard to our parliamentary system and in regard to the division of powers more generally.

I recommend in my submission a two-track process. The first entails gathering a small package of reform together for the fall of 1992. I've suggested that the package be devised in a constitutional convention which would gather together provincial and parliamentary task forces and commissions on the Constitution in a public session. The convention should also invite certain interested constituencies, such as First Nations representatives or women's groups, to help devise this package of reform. I should add at this stage that we've heard from the new minister, Joe Clark, that he would like to have some constituencies to consult with when the parliamentary committee is struck in the fall of 1991. So to some extent he's moved, at least federally, somewhat in that direction.

7:32

The second, longer term track, as it suggests more profound restructuring, can be accomplished over a greater period of time, perhaps by way of a constituent assembly, as I'm sure as you've heard a lot of in your touring around the province. That could be by way of electing citizens to the constituent assembly. If our aim is to create constitutional stakeholders, we're obliged to seek the maintenance of that which Canadians are alleged to have a stake in, namely the Canadian federation. In order to accomplish this, I think we must face up to the reality that there will be in all likelihood an October 1992 referendum in Quebec. Despite recent suggestions by the Premier of Quebec to the contrary, I think he might very well have to follow public opinion rather than lead it. So rather than maintain the facade of not appearing to appease Quebec, I think we must move quickly but with as much public consultation as possible to devise a package of reform in which we recognize the deeper reality that is Canada.

I've just paraphrased from my submission, not wanting to read from it so that I can hear questions from you. I'd be delighted to get them.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. David, I take it that the reasoning behind the two-stage procedure is the necessity to deal with at least those fundamental issues, the Quebec and aboriginal people issues, by the fall of 1992 or by late 1992, and that's your reasoning. I'm just wondering: is it realistic to sever what are essentially questions of status from questions of substance? Is it really feasible to move into a two-step procedure?

MR. SCHNEIDERMAN: What I've proposed in the short term is recommending a small package of reform, really some incremental change. I've suggested that what we need is to make some symbolic gestures. They don't have to be wholescale, large-scale reform, so it could be something substantive in the short term, but something small, something we could all see, put our teeth into, and really something the people of Alberta, for instance, could reply to. The large-scale reform: again, saving for a longer term track.

MR. CHIVERS: I have some concerns whether the issues aren't so inextricably interrelated that it will be very difficult to divide it up in that fashion.

I'd like to take you now to a suggestion that was intriguing, to me at least, that was presented in Red Deer yesterday with respect to the notwithstanding clause. We've had many, many presentations urging the removal of the notwithstanding clause from the Charter of Rights and Freedoms. This presenter gave an analysis which I'm sure you're familiar with, that the notwithstanding clause was a politically pragmatic manoeuvre in order to bring about the inclusion of the Charter of Rights and Freedoms at the time, but he also supported removal of that clause. He suggested as a quid pro quo that he felt might meet the needs of Quebec the inclusion with respect to language rights, the official languages, of a clause that would provide for affirmative action with respect to the exercise of language rights so that you would be able to enhance language rights. This would, of course, apply equally across the country. You'd be able to enhance language rights in various regions without diminishing other language rights. I'm just wondering whether you've encountered that proposition before and what you think of it.

MR. SCHNEIDERMAN: Are you asking me generally about removal of the notwithstanding clause or more particularly . . .

MR. CHIVERS: The removal of the notwithstanding clause and inclusion of a clause similar to section 15(2), the affirmative action, relating specifically to language rights.

MR. SCHNEIDERMAN: Well, I have a great deal of difficulty with removal of the notwithstanding clause and leaving it to that narrow scope of matters, for a number of reasons. One is that I don't believe that the judiciary are particularly able to rule on political judgments, that rather we should rely on our politicians for that. I think our experience to date under the Charter has shown that we can function quite well with a Charter of Rights and a notwithstanding clause. We've seen it used so rarely, and when we've seen it used, in fact – for instance, in the province of Quebec – there has been a great deal of public support for it. I would much prefer to see the notwithstanding clause remain.

As for amending it so it can only be used in regard to language matters, I don't think that would appease the province of Quebec. As far as the province of Quebec is concerned, the Charter of Rights is a very centralizing document. It creates norms across the country, and the province of Quebec I don't think would be open to that even by maintaining a right to opt out in regard to language.

MR. CHIVERS: Yeah. The proposal wasn't for a right to opt out with respect to language. It was to provide a provision similar to section 15(2) which would give the right for affirmative action programs in regard to language issues, entrenched languages, and would apply equally right across the country. It's not politically acceptable is what you're saying.

MR. SCHNEIDERMAN: I would still maintain that as far as Quebec is concerned, from what I can tell, it would not be politically acceptable. As well, I think it might not be politically acceptable to a wide range of political constituencies from the left to the right.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: I have Dennis on the list next.

MR. ANDERSON: Thank you, Mr. Chairman. David, I think your suggestions are very helpful, and I appreciate the thoughtfulness which is evident in them. The constituent assembly is something that's been suggested, and there's no question that those we've heard from are saying that we can't operate in the manner we have in the past, that there has to be some involvement. I for one and, I suspect, other members of the committee are having difficulty, though, developing or seeing how you can develop a constituent assembly that would be seen to be and be representative of the Canadian population yet either not involve politicians or involve them minimally to some degree. Have you got any thoughts on that, any magical formulas that might solve a dilemma in that respect?

MR. SCHNEIDERMAN: No magical formulas, I'm afraid. I've suggested a constitutional assembly for the longer term track, and there are a number of reasons for that. One is that in the event Quebec should secede, for example, it seems to me the federal government would be in a very difficult position and really wouldn't have a mandate to speak on behalf of the

Canadian public. It seems to me that a constituent assembly would be a fall-back position, someone that we could look to to help restructure the new federation. Of course, if we were to elect people to a constituent assembly, it's likely that any number of politicians, ex-politicians, present politicians, and/or people who are associated with political parties would run in that election. It seems to me that that is a choice Canadians can make. Whether they want their present politicians elected to a constituent assembly or not is a choice they can make rather than something we should preclude them from opting into. But again, listening to the degree of disenchantment and malaise, it's that we don't want politicians involved. I think we should give the Canadian public an opportunity to make that choice.

MR. ANDERSON: I was reading the other night of the 13 American colonies' experience and the bringing together at Philadelphia of what some people called a constituent assembly of the time. They selected seven from each state, though one state chose not to go, if I recall. The Legislatures chose those people. Would it be your opinion that that would be still too close an attachment to the current political process for citizens to feel any confidence in it, or do you think we could choose a representative group that might help us in that regard?

MR. SCHNEIDERMAN: In the two-track process I've described, in the first track I've proposed what I've called a constitutional convention, which would be composed essentially of elected politicians. The short-term track is essentially designed to devise a package of small reform rather than large-scale reform. It seems to me that if we're going to go to the large-scale reform stage, we should go the route of some form of constituent assembly; that is, leaving aside our elected Legislatures and the Parliament and going through a sort of extra-legislative route. However, with the small-scale reform, I think if we're going to meet, for instance, the October 1992 deadline and so on, we have to have our elected politicians involved, again encouraging as much public consultation as possible. But if that's what we're shooting for, then I agree that that might be the way to go. A constitutional convention that I've described is one where we have members of committees such as this one gathering together, exchanging views, coming back to their provinces. If we're going to large-scale reform, I think we'll have to look elsewhere.

7:42

MR. ANDERSON: Maybe that's the solution. I have a hard time seeing what we could do before that deadline, that '92 date, that would not be major but would still satisfy the circumstances – at least, major according to some assessments of the term.

MR. DEPUTY CHAIRMAN: A short question, Sheldon?

MR. CHUMIR: Yes, thank you. David, you propose transferring a limited package of powers to the provinces as a first step. Obviously, if too much is transferred, we have no federal presence and de facto sovereignty association for all. I was wondering whether you have in your mind's eye a view with respect to a package of powers that should be retained by the federal government in the long haul – your opinion on these – and particularly whether there should be a continuing federal presence in medicare and some of the social programs, as we have now.

MR. SCHNEIDERMAN: Just tugging at my heartstrings, Sheldon.

MR. DEPUTY CHAIRMAN: Is Sheldon's heart going to soar?

MR. SCHNEIDERMAN: What I've suggested in the brief was a small package of reform, some matters that we've dealt with in the past, that have been on the table in the past, that were part of the promise of constitutional reform in 1980. They might mean things like simply a provincial presence on federal institutions such as the Bank of Canada. It need not entail a major transfer of power to the provinces. I hope you didn't get that impression from the brief, because that wasn't what I intended. Certainly I see a strong federal presence in a number of areas. In the long term I don't see this being politically palatable. In the short term I think, for instance, that there's a strong argument that the federal government should have paramountcy and jurisdiction over environmental matters. There's also a strong argument to be made that the federal government should have jurisdiction across the country in regard to securities matters. Even the Allaire report, for instance, acknowledges that matters regarding the environment will require Quebec to agree to some sort of super federal law that might apply to Quebec. Even there, there's an acknowledgement that in environmental matters there's a need for coordinating our legislative activities.

MR. CHUMIR: Health care and social services?

MR. SCHNEIDERMAN: I think there's a strong argument to be made for health care. I don't really want to sort of shoot from the hip, so I'm just going to stop there.

MR. DEPUTY CHAIRMAN: Thank you very much. We appreciate your presentation.

MR. SCHNEIDERMAN: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is James Kosowan. Welcome, James.

MR. KOSOWAN: I'm basically going to read what I've written. I've got a small submission that I will give to the committee. I'll be speaking on parliamentary reform, specifically the triple E Senate. I should begin by thanking you for allowing me to be here today. I think it is very important for Canadians to be given the opportunity to be involved in the process of building their Constitution. Input, the canvassing of ideas of ordinary people who inhabit this great expanse of land, water, and ice, is vital if we are serious about attaining a constitutional document that truly reflects the hopes, dreams, and aspirations of the people it claims to. I commend the Alberta government for allowing this hearing process to take place, and I come here especially to endorse this expression of democracy so that this important juncture in Canada's history might be passed with the greatest chance of success. I participate in this process today as a Canadian first and an Albertan second. I wish to remain an integral part of this political and geographical entity.

To the business at hand. I shall speak mostly about Senate reform, although time permitting, I may say a few words about compromise and the national interest in the context of negotiation of the new constitutional framework. I have taken a great interest in Senate reform over the past number of years.

Therefore, it concerns me greatly that the Alberta government in particular may once again argue strenuously, and I think headstrongly, for the so-called triple E Senate in upcoming talks. I consider myself an average Albertan and I share none of the fears about domination by central Canada which are supposed to be the genesis of a triple E Senate solution. More specifically, though, I do not feel alienated or subjugated by the interests of central Canada, which is characteristically the language used in the media and by politicians when advocating the necessity for wholesale reform of the Senate to engender greater regional representation.

This submission that I'll be making is actually about 18 pages in length. Specifically, I've given a little bit of history that I'm sure you're aware of with the Alberta select committee's report on the triple E Senate. I will start on page 6.

MR. DEPUTY CHAIRMAN: We have the chairman of that committee with us.

MR. KOSOWAN: Okay. I'll suggest what I see as the problems with the triple E Senate, dealing with each E individually: the effective, equal, and elected. I'll just make it clear that if you want to refer to this again, it'll be on page 6, where it starts with the triple E Senate.

Recently there have been a number of proposals for Senate reform. Among these initiatives are the Pepin-Robarts report, the Quebec Liberal Party's beige paper, the Trudeau government's Bill C-60, the 1980 study of the Senate committee, major documents from the governments of Alberta and British Columbia, a report of the Canada West Foundation, and the report of the Select Special Committee on Senate Reform. Also, the Meech Lake accord itself contained a formula in which a process to begin resolving the issue of Senate reform was agreed upon. But perhaps the most favoured approach to Senate reform is presently the proposal for a triple E Senate. It is presented in a report entitled Strengthening Canada: Reform of Canada's Senate, which was compiled by the Alberta Select Special Committee on Upper House Reform in 1985. Later that same year the Alberta Legislature agreed unanimously to approve the report in principle, which has led the movement for reform from a long-standing consideration of secondary importance to the fore of the political agenda, at least as far as some politicians, especially in the western provinces, are concerned. Indeed, it has been taken to the point where the Alberta government has attempted to force the issue by choosing to fill its most recent Senate vacancy through the election process, which resulted in the country's first and only elected Senator, Stan Waters.

The triple E Senate proposal is, then, embodied in the recommendations of the Alberta select special committee's report, which has outlined the three essential elements. It recommends, and I quote,

> a Senate for Canada that is directly elected by the people, with each province represented by an equal number of Senators. Senators should have powers which allow them to be effective in providing the regional voice envisioned by the Fathers of Confederation.

Specifically, though, the report suggests that there be a total of 64 Senators, six from each province and two from each territory, who should be elected under the present electoral system of first past the post. The boundaries of constituencies would be the boundaries of each specific province, and Senators would serve the life of two provincial Legislatures, with half of them being elected during each provincial election. Thus, although it may be recognized that the Senate for the most part has failed to fulfill many of its basic objectives, the relative popularity of the triple E Senate proposal would seem to indicate that the proponents of Senate reform have been successful in promoting their conviction that the Senate remains a viable institution and has potential as a revamped House of government.

However, each of these Es, it would seem, is more than a little problematic. Indeed, an elected Senate would be automatically thrust into the world of electoral politics and all that that entails. It would be subject to the same manoeuvres and manipulations that are common when power is at stake. The ability to mount an impressive campaign would be the order of the day, which would mean a need for money and resources. This truism is particularly relevant when one considers that the electoral boundaries for each constituency in the triple E Senate proposal would be provincewide, which makes money that much more of a determining factor because the territory to be covered would be that much larger and much more in the way of resources would be needed to run a campaign than does a regular-sized constituency of the House of Commons, for example. Therefore, while democracy may allow for the people to decide, the odds are certainly stacked in favour of those individuals who have the most power and resources, for they are likely better able to finance elaborate campaigns to influence people about their qualifications and appropriateness for public office. As a result, it should come as little or no surprise who makes up the overwhelming majority of elected members in the House of Commons. They are predominantly lawyers and businesspeople, hardly representative of the whole society whom they purport to represent. No offence to the lawyers on the committee, and I know that there are a few, Barrie in particular.

7:52

MR. DEPUTY CHAIRMAN: One from each party.

MR. CHUMIR: Equal representation.

MR. KOSOWAN: That's right.

Those individuals with the greatest access to power have traditionally been most successful at the ballot box; therefore, it seems superfluous to endeavour to reform the Senate in such a way as to imitate a faulty electoral system. The Senate cannot be considered of much use if it fails to approach legislation from a significantly different perspective than the one of the popular House, yet an elected Senate would merely duplicate the type of overrepresentation of various interests already prevalent in the House of Commons, and the points of view in looking at social problems would not be expanded or enhanced. The need is for an increasing representativeness in the political system, not more of the same type of biased government.

This questionable duplication comes at great expense to the taxpayer, who must ultimately bear the costs of a reformed Senate in terms of election expenses, Senators' salaries and pensions, and continual operating costs. What is more, in the event that the Senate were to be elected, as proposed under the triple E scenario, the higher costs of running an effective campaign on a provincewide basis coupled with the well-established political culture that has traditionally relied upon the party system would necessarily mean a greater need for political parties to be involved, for only political parties would be likely to have the structures in place and be able to amass the volunteers and resources necessary for campaigns of that size and nature. Therefore, claims that members of an elected

Senate would be in a position to be less partisan would seem to be unfounded.

> A Triple E Senate would probably be even more politically partisan than the current chamber because of its more direct involvement in the electoral process,

says Roger Gibbins from the University of Calgary. A reliance on party machinery to get elected would also go a long way in ensuring that those selected would remain beholden to party politics and principles in order to guarantee their future support by the party come the next election.

The concept of an equal Senate, the second E, proves upon analysis to be no less problematic. It comes down to one's understanding of equality. As Alan Cairns put the matter of equality among regions:

> What is often really meant is strengthening some regions and weakening the influence of other regions in the central government. That is, one is not necessarily saying we should strengthen regional influence as such. In reality what is being said is that we should redistribute the power of the different regions at the national level in such a way that what are now the weaker regions, usually because of population factors, will have more power and what are now the strong regions, equally because of population factors, should have less power.

But interestingly enough, under the triple E proposal a distinction is made between the two territories and the provinces so that a territory would get less representation than a province in a reformed Senate. This appears to be selective reasoning on the part of the advocates of Senate reform, who obviously want to see the less populated provinces but not the sparsely populated territories given equal influence in a reformed Senate. One can infer from this apparent contradiction that although advocates of Senate reform may profess the need for an equal Senate, they only seek equality insofar as representation among provinces is concerned. The territories are then viewed as less equal in this respect.

Furthermore, equality among the provinces in terms of representation and influence in a reformed Senate would create inequality among individuals across the country because Canada's population is in no way evenly distributed, with the vast majority of Canadians residing in either of two provinces, Ontario or Quebec.

> Advocates of Senate reform should state that their objective is a constitutional system in which an individual citizen in a numerically weaker province has, as an individual, more power in the national government than an individual citizen of a larger province,

says Alan Cairns. In this way, at least, the virtual hierarchy that is created would become acknowledged. As it stands now, the issue of equality is put forward in terms of balancing regional interests with national interests and the interests of the majority, but that equality for each region necessarily means inequality for particular individuals from a national perspective is often muted. In addition, this sense of regional equality may be in conflict with the understanding of equality as outlined in the Charter of Rights and Freedoms, which has as its basis recognition of equality among individuals. One is left wondering about the implication of pursuing such reform, not only because of its questionable fairness but also because of its questionable legality.

The demand for an effective Senate, the third E, is perhaps the most problematic of all. It is at the very heart of the matter; that is, the intention of Senate reform is to give the Senate a role in order to effect meaningful change.

> The point to be stressed here is that the powers of the Senate to veto or amend form the crux of Senate reform. An elected Senate without the power to veto or amend would be senseless: an elected Senate with such powers will become a very powerful actor within the Canadian legislative process.

This again was a quote from Gibbins.

Indeed, a reformed Senate devoid of any substantive ability to influence government policy and legislation would be of little value and have little practical worth to justify the expense of a second Chamber. However, the converse of this situation is a reformed Senate that would have legitimacy and power to challenge the authority of the House of Commons so that there would need to be complicated safeguards to protect the sanctity of the lower House. In the case of the triple E Senate proposal, in which an elected rival House is to be instituted, the problem of effectiveness is acute. While the effectiveness of a triple E Senate would be limited so that it could not initiate any money or taxation Bills unless related to the Senate's operational budget and could not veto supply Bills, the relationship of power would still encourage competition rather than foster co-operation between the two Houses of government. This would be exacerbated by increased partisanship in the newly reformed Senate.

Obviously, a system of rival Houses poses a real threat to parliamentary democracy, and the situation in Australia exemplifies this concern.

> The Australian constitution, for example, has successfully limited the powers of the upper house while leaving it elective, but the result has been far from satisfactory.

That was a quote by MacKay, who wrote *The Unreformed Senate of Canada* back in the 1930s, I believe, and it was revised in 1963. There remains much confrontation between the two Houses, and the larger constituencies have created a situation where candidates are unable to build up their own support to any significant degree and must rely on the party system. So even in the case where some limitations might be put on the upper House, as in the proposal to give triple E Senate only a suspensive veto, there is certainly no guarantee that the intended results will materialize. Indeed, all indications seem to suggest that various complications will develop as a result.

The consequences of creating an effective Senate that can challenge the House of Commons, if only temporarily, are twofold. First, an effective Senate jeopardizes one of the most fundamental elements of the parliamentary system: accountability. It makes accountability, which is the cornerstone of parliamentary democracy, ambiguous and confused. That ambiguity and confusion is already apparent enough in a federal state, with so many blurred lines of constitutional authority and shared jurisdictions. Indeed, to create yet another force of elected representatives in addition to Members of Parliament, who represent each province collectively through their constituencies, and provincial Premiers, who represent each province individually through first ministers' conferences, would be most detrimental. All would be able to claim legitimately to represent their constituent groups and affairs at the national level, yet the electorate would be less able to discern responsibility and affix blame to any of the various representatives in the event that they were unsatisfied with particular policies or programs of the government. Thus, an effective Senate would create a serious impediment to ensuring accountability in Canada's political system.

Second, an effective Senate presents a great danger in that the competition between rival Houses of government could foreseeably result in increased politicking among political actors. In other words, vote trading and backroom deals would be more likely under a system of government in which two Houses divide power and politicians attempt to curry favour with voters. The

United States is plagued with this problem, in my opinion. Members of the House of Representatives and Senate wheel and deal with one another behind the scenes in order to ensure the passage of each other's legislation, which results in more legislation that is parochial and short-term in nature. Accountability is lost, for the electorate is in practice unable to make out who is responsible for the short-sightedness, and therefore the electorate is likely to feel greater frustration towards the political process and less efficacious as a result.

In summary, then, this triple E Senate proposal is less than perfect in resolving many of the outstanding problems that confront Canada's parliamentary system. In fact, the triple E proposal can very well be criticized for contributing further to basic problems such as elite representation, partisanship, certain inequality, poor accountability, and political struggling. Moreover, in terms of outstanding problems, the triple E Senate fails to address issues such as rigid party discipline and efficiency in government. It must be deemed inappropriate as a solution to Canada's needs as a parliamentary democracy, for these problems are certainly not insignificant when it comes to the functioning of a parliamentary system of government. I go on in this paper to propose that there be abolition of the Senate as one of the fundamental principles that we should be trying to attain in our constitutional negotiations at this level or this stage in the game.

8:02

I'll conclude by saying that Canada's system of government has undergone an evolutionary process in its 123-year history. I need not lecture you on the basis of parliamentary government, but I would caution you against any changes that seek to solve problems without necessarily considering the implications. Canada being in close proximity to the United States naturally is influenced by it in that we face similar problems from time to time. It may also be quite natural for us to look to their example when dealing with problems of government, but it is fundamental to understand that our parliamentary system of government is very different and cannot be altered and amended haphazardly, particularly with a system of government that is completely foreign to our own parliamentary system. What must never be jeopardized is responsible government that is accountable. I think the triple E Senate does this and must, therefore, be re-evaluated. This round of constitutional change cannot be allowed to have unstable reform.

MR. DEPUTY CHAIRMAN: Thank you very much, James. Unfortunately, we've gone well past the 15 minutes, and I think we're going to have to dispense with questions, but Mr. Anderson does tell me that he would certainly like to pursue this further with you on another mutually acceptable occasion.

MR. KOSOWAN: I look forward to it.

MR. DEPUTY CHAIRMAN: Thank you for your presentation.

MR. CHIVERS: Perhaps I could come too.

MR. DEPUTY CHAIRMAN: Yes.

The next presenter will be Hu Young of the Easter Seal Ability Council. Welcome, Hu.

MR. YOUNG: Thank you.

MR. DEPUTY CHAIRMAN: On behalf of the committee, the committee would like to apologize for the inadequate facilities that we have this evening. We are sorry that they have proven inadequate.

MR. YOUNG: Well, I can advise, Mr. Chairman and hon. members of the special committee, that my friend and colleague Mr. Jim Killick of the Easter Seal Ability Council was going to make this presentation. He did have some concern about exceeding 15 minutes, because he didn't know how long it would take to wheel his rig into place, but I don't think it's a problem. Thank you for expressing that concern.

Mr. Chairman, members of the special committee, our presentation specifically focuses on minority rights issues, specifically as they pertain to disabled people. Under the Charter, of course, the specific references that we would allude to are under section 15 and also under sections 27 and 28. You will find later that there is a reason why I refer to the two latter ones.

The Easter Seal Ability Council assists disabled Albertans, both children and adults, whether the disability arises by reason of injury, congenital illness, or neurological disorder. I refer you to the written submissions prepared on behalf of the council with the assistance of the University of Alberta Faculty of Law professor Jerry Gall. I will focus on three particularly interrelated issues in his submissions, and those are family, education, and employment.

Now, less than 30 minutes' driving distance from this very room lives a family that has a young son whom I will call John, although that is not his real name. John is a disabled person, and like most other young people who are disabled, if he wants to pursue educational endeavours, he is subject to institutionalization. Now, John didn't want to be institutionalized. He wanted to attend regular public schools, and he and his parents were compelled to seek judicial intervention in order to attend public schools.

Many of those families whom we know that are in our midst are deprived of a joy that many of us take for granted, which is the ability to live together as a family, a nuclear unit. I would like us to consider for a moment the implications of institutionalization on a family such as John's. I would also like us to consider the ramifications of such institutionalization upon John's present classmates were John not in their presence. I can assure you that the scope of his present classmates' educational experience has been magnified due to his presence. Their understanding of human conditions and their respect for their fellow students has been enhanced, and I sincerely believe that that is part of what education is all about. Alternatively, if he were compelled to be institutionalized, the remaining classmates that are presently his would essentially have a sanitized version of life that would diminish their experience.

Now, justifying an education system that creates a two-tiered learning process, whether that justification is premised on cost analysis or other considerations, involves making a moral decision that can be construed as elitist. I don't believe in this day and age, certainly not in the country that I consider Canada to be, that in a decision like this we can afford to have one where it results in class or caste stratification.

I'd like you to note a resolution made by the United Nations in November 1989 during the Year of the Child. It was a declaration that was subsequently brought in as a convention. Article 23 of the convention stipulates that children with disabilities shall be allowed to participate in society on a full and equitable basis and shall receive special assistance designed to ensure the full integration of disabled children in relation to education, recreational pursuits, vocational training, and preparation for employment. Now, it's the opinion of the council that the right to education is a basic human right. It should not be denied to a child or adult because of a disability. A special parliamentary committee on the disabled and the handicapped prepared a document in 1981 entitled Obstacles. It recommended that the federal government encourage all provinces to include in their human rights legislation the right to an education that ensures disabled children the opportunity to reach and exercise their full potential. We believe that education is synonymous with liberty and security of the person and that those are rights granted by section 7 of the Canadian Charter of Human Rights. Accordingly, without education one is captive to ignorance and prejudice and all that which the Charter seeks to dispel.

As it is our opinion that it is a basic right to receive an education and as a result of such an education secure gainful employment, it's necessary to ensure that all people who are subject to disabilities have access to the technical aids that would put them on an equal playing field. Disabled persons often incur prohibitive expenses related to earning employment income: transportation costs, for example; adaptations to the workplace, for another example. By denying bona fide claims to disability-related expenses, a disabled person is subject to massive disincentives to work.

Now, the Hon. David Crombie, the minister responsible for the status of disabled persons, in a status report of 1987 recommended amendments to the Canadian Human Rights Act to protect disabled persons. His 19th recommendation was to expand affirmative action to employment programs for disabled persons in government. We applauded that honourable decision, and we continue to await its implementation.

Section 15 of the Charter provides specific rights to equal protection and benefit of the law without discrimination. In reviewing the various criteria established in section 15, it's apparent that one particular factor, namely the "disabled" – by its very name, the very essence of the word "disabled" suggests a need for both affirmative action and protection against systemic discrimination. Sections 27 and 28 of the Charter, for example, identify concerns for minorities and women, but there are no comparable clauses that exist for disabled persons. We believe there should be such comparable clauses.

We also believe that it's necessary to establish a comprehensive disability insurance program which will ensure that the extra costs of being disabled are understood. We believe that a program is needed to ensure that people with disabilities can participate in the basic rights of both obtaining an education and having an opportunity to secure gainful employment or at least be eligible for it. It's important that such an insurance program not discriminate against the cause of a disability.

8:12

Now, perhaps some of you might recollect reading last week in the *Edmonton Journal* – and I'll excuse those of you who aren't from Edmonton; I know you probably have other newspapers you'd rather read. In any event, there was a Southam news report that spoke of a Supreme Court of Canada decision involving a brain-damaged child in Ontario. A claim had been brought on behalf of that child by his parents for the injuries that he had sustained and would continue to sustain for the duration of his life. It was a claim brought against the manufacturer of a common children's vaccine. The claim was not successful. The justice who presided at the trial in the Ontario high court issued a plea that governments consider some form of compensation for people like that young boy who would suffer a lifetime injury. I'm just going to quote very briefly from his decision. He stated:

> Surely it would be worthwhile for our society to agree to a certain adequate, though not lavish, standard of compensation upon proof of prior good health, the administration of vaccine and catastrophic damage within a reasonable period of time.

Now, we maintain that those who have a disability, however catastrophic the origin, are entitled to certain levels of assistance regardless of liability. We believe that that is what equality provisions are all about, and it should be something that is established in the Charter in sections comparable to sections 27 and 28. At this time of constitutional renewal it is imperative that the needs and aspirations of persons with disabilities be taken into account in forging our collective future, and we invite all to share in our vision of a genuine egalitarian society which provides access and integration for all, regardless of disability.

For those of us whose greatest impairment is perhaps a lack of vision or outright apathy, it's truly an enlightening experience to recognize the obstacles which confront this disabled person. While apathy is a self-imposed handicap, other disabilities are not. I believe that we owe it to ourselves and our brothers and sisters to ensure that those subject to disabilities are not precluded from sharing in and contributing to the full benefits which Canada has to offer.

I appreciate the opportunity of appearing before you. We welcome any questions you might have.

MR. DEPUTY CHAIRMAN: Thank you very much.
Barrie.

MR. CHIVERS: Thank you for bringing your concerns before our committee. I'd like some clarification as to precisely how you see the right that you're seeking should be constitutionally entrenched. I'm wondering if you're thinking in terms of the UN convention, the resolution, article 23 that you spoke of. Is that the sort of formulation that you would like to see entrenched in the Charter?

MR. YOUNG: Well, in all fairness I'm not going to purport to be a drafter of legislation. We do believe, however, that there are rights imposed, affirmative actions that must be taken by virtue of sections 27 and 28 of the Charter, and those speak particularly in favour of other groups based on potential gender discrimination, particularly women, or other minority groups who are protected under section 15 for race or ethnic origin or also colour. There is . . .

MR. CHIVERS: So are you saying, then, that the present provisions in terms of rights and freedoms as they're set out in the Charter are adequate, that what you need is access to affirmative action programs?

MR. YOUNG: I believe it should be more expressly stipulated in the Charter. For example, certain rights to accommodation not only in the workplace but elsewhere: we do not believe that they are explicitly codified in the Charter. There has been case law such as the decision in Bhinder versus Canadian National Railways which was necessary because there wasn't sufficient access under the Charter to establish that right.

MR. CHIVERS: So it seems to me that you're right, that if you're going to protect anything in this area, it's not enough simply to say, "We need affirmative actions." You need a guarantee of a right, and that's why I was wondering what the scope would be, whether it would be similar to that set out in the UN convention that you mentioned. Now, that's pretty wide-ranging protection, but it's something along those lines that you have in mind, is it?

MR. YOUNG: We believe that would be a first step.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Thank you.
Sheldon.

MR. CHUMIR: Thank you for your presentation. I understand from your brief that you are of the view that the federal government must retain some control over social programs, especially in terms of national standards monitoring and reviewing, and you have some concerns with respect to Bill C-69. I'm wondering if we could hear from you on that issue and also your views with respect to a federal role in the medicare program and needs for a strong central government or otherwise.

MR. KILLICK: Yes, Sheldon. We're concerned about this merely from the fact that in these economic times the shift is going to go to provincial governments, that there are going to be no safeguards by the federal government, and there could be a possibility that social programs will be eroded. I guess a good example that already exists within Alberta is the Vocational Rehabilitation of Disabled Persons Act. That was signed, I believe, in about 1988, and our government has yet to enact any of the new schedules. We're very concerned that this is not going to take place, particularly in light of the Premier's council and their action plan. We have no announcement, either, by our provincial government as to whether or not this is going to be enacted in its entirety.

MR. CHUMIR: So you would feel that your rights would be better, more effectively protected through having a federal role in these areas?

MR. KILLICK: I think that each group is a watchdog on the other group, and the rights of people with disabilities are safeguarded more adequately then.

MR. CHUMIR: And does this extend to medicare? Do you see that in the same sense?

MR. KILLICK: Yes, I would; I would definitely.

MR. CHUMIR: Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I'd like to pursue further the line of questioning started by Mr. Chumir. With respect to the funding that takes place from the federal government and the establishment of standards currently, you expressed a concern that the reduced funding would start to reduce services, and I think that's a reasonable concern to have. There have been other groups who have made the same suggestion, but what I still haven't been able to connect is why, then, you would give more power to the federal government if it's the federal government that is, in fact, reducing the financial ability. They've taken the dollars, to start with, out of the province through taxes, and then they give back a portion while trying to establish some standards, therefore making at least some provincial governments less able to carry out those areas of responsibility. As I mentioned to a previous group, struggling with how best to make sure that standards are met and that there is across the country some benefit and at the same time not have that circumstance where a government has gone into a jurisdiction constitutionally – the federal government has gone into the provincial jurisdiction area to require standards and then found that they can't pay for them and pulled back out. Any comment on that? I guess I keep wondering if there isn't a better way of establishing standards, requiring standards to be established by the provinces collectively and having them meet that rather than having the money go out and maybe not come back in.

MR. YOUNG: Well, I appreciate the last comment you made about certain standards being set up that the provinces would have to meet. That, of course, would be one of the primary concerns. We would be concerned about a discrepancy in funding from province to province that would essentially equate with a discriminatory practice in favour of disabled from one province to another. While the federal government is in control, we believe that there would be a greater likelihood of equality in the spending, subject to what my friend has to add on that point.

8:22

MR. KILLICK: I think probably a good example of that would be that in Alberta there presently exist, in home care, public health regions throughout the province. As a person with a disability, if I lived in Lethbridge, I could receive personal care support. However, if I moved to Edmonton, in all probability I wouldn't be able to do that because of the different method of delivery that they have in Edmonton versus Lethbridge. I think the same thing would happen from province to province.

MR. ANDERSON: That's an interesting example because, at least the way I understand it, the home care benefits in many of the other provinces would be minimal or nonexistent at the moment. There's not a federal standard in that respect. There is a provincial basic commitment to the concept in that respect. With the federal government unable to pay for it, isn't it less likely that you would be getting home care guaranteed at all?

MR. KILLICK: Well, on our province's side we don't want the government to eliminate their payments at all. We feel also that the Alberta government hasn't taken full advantage of the cost sharing, and home care would certainly be one area. Alberta Aids to Daily Living would be another area. We feel that the federal government shouldn't be opting out at all.

MR. ANDERSON: Well, if we haven't been taking advantage, I might say, Mr. Chairman, we'd appreciate some information on that, because we need all the help we can get these days.

MR. DEPUTY CHAIRMAN: Thank you. Thank you very much for your presentation. The next presenter is Christine Haines, representing the Alberta Federation of Women United for Families. I'd like Christine to come forward, please.

Welcome. Nice to have you with us. Sorry to keep you waiting.

MRS. HAINES: I'll pass these around, hot off the press.

MR. DEPUTY CHAIRMAN: Thank you. Feel free to proceed.

MRS. HAINES: I'll just wait till everyone's got their paper, and then they can follow along with me.

Mr. Chairman and members of the Select Special Committee on Constitutional Reform, it is a privilege to represent the Edmonton chapter of the Alberta Federation of Women United for Families on the issues facing Canada. AFWUF is a grassroots women's organization. There are chapters in every major city in the province. Our motto is: "Women's rights, but not at the expense of human rights." We believe the family is central in building a strong nation.

I will be addressing the Canadian Charter of Rights and Freedoms, which is integral to our Constitution. My focus is section 7 and section 15. Section 7, Legal Rights, and I quote from the Charter:

> Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

When does the unborn child become eligible for humanness? A child is not recognized as a human until completely out of the birth canal, yet a six-month premature baby has an excellent chance of survival. Scientifically, it makes a mockery of the law not to recognize a child in the womb as a person. The women's rights movement speaks of freedom of choice and the undisputed right to one's body. This right wants no restrictions or responsibility. The concept of responsibility is completely missing from the Charter. Abortion is legitimatized under the umbrella of human rights when in truth it is anathema to human rights.

Section 15, Equality Rights. This section provides that

> every individual is equal before and under the law . . . without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The word "discrimination" has taken on an ominous meaning. Individual rights are being supplanted by group rights. Powerful lobby groups which have access to government funding and the courts use this section to pursue their own agendas. This section has been further interpreted to include sexual orientation. There are no guiding principles to interpret this section. It is left to the courts to decide. There is no protection for the family.

Now, I've made a few recommendations that I would like to see a Charter include.

In the preamble, the Charter of Rights and Freedoms should be rewritten to reflect our country's Judeo-Christian heritage. The only mention of our Christian values and traditions is in the preamble. This does not mean that we are trying to make every individual in Canada Christian, but we must recognize that every civilization is built on certain values, and our Canadian values come from the Christian religion. It seems that the writers of our present Charter deliberately omitted any reference to moral and spiritual values.

Section 7, Legal Rights, should be amended to ascribe personhood rights to the preborn child. The rights of the preborn seem to be purposely undefined. Third, the concept of responsibility – and I've underlined that – must be included with the concept of rights.

Equality Rights, section 15. The Charter must recognize the family as the basic unit of society. Family must continue to be defined as two or more persons living together related by blood, marriage, or adoption. The family should not have to bear such a large tax burden, especially the families with a single income. Women's lobby groups: groups should not be funded by taxpayers' money. On page 40 of the advisory council's discussion paper, the point is made that women are underrepresented in government: "In the House of Commons women represent 13% of the total members; in the Senate 12% and in the Alberta Legislature 15%." The advisory council goes on to say, in recognition of these statistics, that "women must utilize existing mechanisms for participation, such as advisory councils and the array of action committees," and the list goes on. These statistics are meaningless. Equal representation by gender does not mean better government. Male or female legislators can represent equally well the views of the family. Why are profamily groups like REAL Women and AFWUF denied funding? If the government wishes to continue funding women's lobby groups, all should be funded equally.

Now, I must make a little correction there. Alberta Federation of Women United for Families last year did receive I think about $2,000 from the women's secretary of state program, and the federal government did give us another $2,000. So that makes $4,000, but that's peanuts compared to the women's advisory council. They got $6,000 for their travel expenses.

In conclusion, a new Charter of Rights and Freedoms should be written which reflects our heritage and the importance of the family. May Canada continue to be a strong nation.

8:32

MR. DEPUTY CHAIRMAN: Thank you very much, Christine. Mr. Day.

MR. DAY: Thanks, Mr. Chairman. Christine, you say that women's lobby groups should not be funded by taxpayers' money, but then your paragraph there in that section ends saying, "Why are pro-family groups like REAL Women and AFWUF denied funding?" Do you not see yourself as a women's lobby group?

MRS. HAINES: We are a lobby group, but we feel that if one group of women are going to be funded, then it should be equally divided. Why should one group have preference over another group? I've been thinking about REAL Women, which I have been reading about, that has recently been denied funding. They go through the same process of applying for funding as the other groups do, and to me it's interesting that they're denied funding without really knowing why. Maybe I could be cleared on that sometime.

MR. DAY: I can't clear that one up.

Just to make that clear, then, you're saying you want funding if other women's lobby groups . . .

MRS. HAINES: If other groups get funding, then we would like funding.

MR. DAY: But if the others aren't, you're willing to say no to funding for yourselves?

MRS. HAINES: Then we'd say great, because it's our money that's going towards the funding anyway.

MR. DAY: Some people have suggested it would be better if indeed we didn't have the 1982 Charter of Rights and Freedoms at all, that in fact the previous Canadian Bill of Rights was sufficient. You're talking here about amending the present Charter. Is that your firm stand, or do you consider not having the Charter at all?

MRS. HAINES: You know, I've grown up with this Charter of Rights and Freedoms pretty well, and then there was a Bill of Rights before that. I would like to see it rewritten; I hadn't thought about completely doing away with it. You know, there are some general things like our Judeo-Christian heritage that I think are nice to have in writing. Maybe there could be a general section stating that the family is important to our country. But what I see in the Charter that we have now is a lot of statements on rights, and that concerns me, this being used.

MR. DAY: Okay, I appreciate that. I'm not trying to put those thoughts in your head if you hadn't thought of them. It had been brought to us before. In relation to provincial jurisdiction as opposed to federal jurisdiction, it's also been suggested that the Charter gives federal courts jurisdiction over provincial Legislatures. Some people like that. It's been suggested by some people and groups that they like the Supreme Court, let's say, to have the final say. Others say no – I think we've heard that tonight already – a provincial Legislature should not be able to be overruled. Do you or your group have a view on that, as to how the Charter affects this shift of power from Legislatures to a high court?

MRS. HAINES: I can only speak for myself personally. I personally think more power with the provincial than the federal, but that's my personal . . .

MR. DEPUTY CHAIRMAN: Christine, I think what Stockwell is getting at, though, is that the Charter of Rights tends to give more power to unelected judges than to the people's representatives. That, I think, is what he was getting at. But I don't mind putting bad thoughts in your mind.

MRS. HAINES: Actually, I had thought about the Supreme Court judges, but I thought, no, I might not get into that.

MR. DEPUTY CHAIRMAN: If you were unable to get the improvements you feel are necessary to the Charter of Rights, would you be prepared to dispense with that document? As you know, we did go through 115 years without a Charter of Rights in the country, and it seemed to progress fairly well during those 115 years.

MRS. HAINES: Yeah, if we do not get the changes that I would like to see, then I could see doing away with it. That sounds pretty radical.

MR. DEPUTY CHAIRMAN: Well, I don't know. I think that's what this committee is here for, to hear the points of view of Canadians. I don't, for one – and I'll say it publicly – think the Charter of Rights should necessarily become a totem that no one can even talk about or criticize. That's my own personal view.

MRS. HAINES: Sounds good.

MR. DEPUTY CHAIRMAN: Barrie. I guess I provoked another question.

MR. CHIVERS: Thank you, Mr. Chairman. This is a discussion that's taken place amongst committee members before, so I'd just like to pursue Mr. Schumacher's thoughts by juxtaposing the situation in Alberta. Are you aware that many of these same rights and freedoms are encompassed within legislation in Alberta such as the Alberta Bill of Rights and the Individual's Rights Protection Act? For example, the Individual's Rights Protection Act prohibits discrimination based on race, creed, national or ethnic origin, colour, religion, sex, disabilities, and things like that in terms of the rental of premises – you can't discriminate on those bases – and in terms of access to services, in terms of employment. I'm just wondering whether you support those rights.

MRS. HAINES: Well, I see groups sort of using these rights to the advantage of themselves as a real concern. I realize that our provincial Legislature has to make our rules adjust to what is done on the federal level.

MR. CHIVERS: No, that's not so at all. This is within the provincial jurisdiction. What I wanted to draw your attention to is that the province has some complementary laws in these areas that protect individuals against the same sorts of discrimination, and I was wondering whether you think we should have a provincial law, because that's not constitutionally entrenched. The government of Alberta by a simple majority can repeal that law.

MRS. HAINES: Well, maybe our Alberta laws should be more to protect the family.

MR. CHIVERS: So you wouldn't agree with that type of a law either?

MRS. HAINES: Yeah.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Well, I would ask, Christine, whether you feel you have confidence that the people you elect in Alberta would be able to address those matters by passing the appropriate laws in the Legislature. Or do you feel that there should be something written down that if somebody took somebody else to court, a judge could say what's going to be done? I guess the question is: do you have higher confidence in unelected judges or people who are elected by the people?

MRS. HAINES: I have more confidence in elected judges.

MR. DEPUTY CHAIRMAN: In elected judges?

MRS. HAINES: In elected, yeah, definitely.

MR. DEPUTY CHAIRMAN: That's a fair proposition too, and I don't think that Barrie wanted to hear that either.

MRS. HAINES: That was something I had thought about before coming, putting that in my report, but it gets into such a huge area.

MR. CHIVERS: That wasn't my comeback, Mr. Chairman. My comeback is simply that it's those same judges, be they elected or appointed, who interpret provincial law as they interpret constitutional law on the federal level.

MRS. HAINES: Well, I'm concerned with the way the federal law is being interpreted right now.

MR. CHIVERS: Thanks.

MR. DEPUTY CHAIRMAN: Sheldon's passing. Thank you very much, Christine.

MRS. HAINES: Okay. Thank you very much.

MR. DEPUTY CHAIRMAN: Our next presenter is Doug Barrett. I'd invite Doug to come forward. Welcome.

MR. BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Very good. Thank you. Have a chair.

MR. BARRETT: Thank you for having me here. There are two points I guess I want to sort of make. First of all, I'm just appearing here as myself; there's nobody else. There are two points that I want to talk about, I guess. The first one is how the Canadian Parliament has some sort of weaknesses built into it that are causing a lot of these problems and this discontent and what has culminated in Meech Lake and this particular meeting here. The second one I want to talk a little bit about is the triple E Senate. I'll talk about Parliament first.

Last summer I wrote a document. I was quite worked up about Meech Lake and all this stuff, and I took the time to write down what I thought was wrong with the way things were being run in the country, on a government level anyways. There are problems with the way we elect people and the way the parties have to behave to be successful as parties. They tend to have to ignore real problems, and they tend to have to avoid them, I guess. Basically, they can't see a problem coming until it's right on the doorstep. Then when it is there, they are limited in how they can respond to that problem, because they are being successful parties, playing by a set of rules that doesn't really reflect the real world. I'm not sure when in history this started to come about, because as you said before, we sort of have survived for 115 years relatively well with what we had. But in the last 20 years, I would say, things have been tumbling.

8:42

Anyway, I'm going to give you some examples, I guess, of what I mean by them not being able to recognize a problem. Ten years ago, or around that time, I was living in Ontario. We had this interesting phrase that came wafting across the plains: let the eastern bastards freeze in the dark. That was the first time I became sort of aware of western alienation, I guess it ended up being called. It's still here, obviously. It's not that phrase anymore, but we're talking about Canada isn't working, and we need a triple E Senate, and this and that, and central Canada is dominating the country and the Parliament. There's still western alienation. Nothing has been done about it.

It's been 10 years since I've been aware of it, and obviously other people who are in Parliament and who are, say, paid to be looking for this sort of trouble and trying to alleviate it have missed it, haven't been able to act, or have not bothered to see it. The reason they do that is because there's no threat of losing seats, I guess is the bluntest way to put it. When Mr. Trudeau was in power, he didn't have anybody out here to lose, so there was no reason to do things to help make the west feel more at home. Whatever he chose to do – it might be on a personal level; I don't think he really did a lot in that respect – his party wasn't threatened, and therefore there was no problem.

In Quebec at the same time, and this was roughly 10 years ago, they had their referendum with Mr. Lévesque. I remember celebrating when our side won the referendum. You know: "This is great. Hey, all right. Canada won. Now there's no more separatism." I was a young guy at the time, so I didn't see all the ramifications. But it was again a case of once there was no longer a threat, there was no longer a problem. They were: "Oh, good. There are no seats being threatened here." There was no need for the Liberals to try to calm down or stop or prevent Quebec nationalism, I guess, and try to get the Quebeckers into being Canadians. There was no reason to do that, because they weren't threatened by losing seats. It was great to have a bit of nationalism in Quebec because then they could present themselves as, "Ah, we are the French party to you guys, so you have to elect us," and they could shut out the Conservatives. They could go to English Canada and say, "We're the only party who can keep Quebec in." So Quebec nationalism was good for them. They were able to play both sides. There was not only not a threat, but there was a positive advantage. Yet in the real world – I mean, I would say yes, one united Canada is a positive thing. Encouraging a group of people to feel different, to feel alienated, is not a real-world solution, but it works for a party-type solution.

Okay. The Conservatives got in power, and now it's sort of the same thing. They've got a whole bunch of seats out west. Western alienation was still there, but they thought: "Okay, now we've got something. This is good. We've got our own government in power there." But things didn't really change. There were a number of parties that started up about then that became somewhat famous. I don't know; they became better known, anyways. There was the COR Party, and the Western Canada Concept Party. At the same time that these parties were starting to spring up, I guess because they were dissatisfied with the fact that the Conservatives weren't doing what they wanted them to do, there also was a bunch of legislation passed that made it very difficult to start a small party, that made it hard. Certain rules started to be put on there about how much air time you could buy on television during elections and how many ridings you were allowed to organize. You had to have a certain maximum number, so a small party couldn't handle it.

That was the Conservatives' approach to western alienation. Now, they're not being threatened anymore, because those parties cannot win seats. They're relegated to being just little fringe parties that can't threaten them with losing seats, so there's no problem anymore. Once again . . .

MR. DEPUTY CHAIRMAN: It seems they feel a little threatened by the Reform Party of Canada, though.

MR. BARRETT: This is because that is one that's grown. The problems keep growing until it's kind of too late. Now we do have the Reform Party, yes. The Reform Party is probably going to take a bunch of seats out here; likewise, the Bloc Québécois is going to take a bunch of seats in Quebec. To some extent you could say the Reform Party was interested in separating Quebec from the rest of Canada and so was the Bloc Québécois. Neither the Conservatives nor the Liberals want that to happen, but they couldn't stop it from happening because they didn't feel they were threatened. You know what I'm trying to say. They couldn't handle the problem. They couldn't see the problem, because they weren't being threatened tangibly. They would have to sort of think beyond just the party to do that, and however much they might have done it on an individual basis, the party basically acted in the party's interests. Consequently, the long-term problems built up, and now we do have a successful Reform Party that is going to probably take a fair number of seats, and a successful Bloc Québécois separatist party.

Oh, okay. NDP too.

MR. CHIVERS: You don't want to leave us out.

MR. DEPUTY CHAIRMAN: They're in the mainstream these days, aren't they?

MR. BARRETT: Yeah, they're a mainstream party. It's just a funny comment, but what made me think of this whole thing was that when Ross Harvey got elected, the first thing I remember reading about him was: my election should show that the Reform Party is just a flash in the pan. I mean, the NDP are learning from the Liberals and the Conservatives; they're picking up bad habits.

The thing is, that's the problem with the system. It's not that those people are bad. I think Ross Harvey is actually kind of an interesting and fun guy to listen to and to watch his antics and so on. I don't think any of these people, perhaps with the exception of Mr. Mulroney, are unpleasant people to know, nor are they foolish or anything like that. They're stuck with this system where they have to behave one way, and they tend to go along with the system, and consequently they get all caught.

Okay. What I would like to suggest. You guys are going to basically be making up a government. You're going to saying, "These are the things that we want." Consider motivating our politicians on the federal level to basically watch for threats to society, threats to the stability of the country. I think that means don't let them suppress criticism, and let them be penalized a small amount when things start to go bad. What I would suggest and what I was trying to suggest in that article I passed around to you guys was some way to get small parties into Parliament early. They can't win a riding? Okay, they can't win a riding, but across an area, a region, there is enough support for one or two ridings if only they had been concentrated in one or two ridings. They got enough votes for it, but they don't get any benefit from it.

MR. DEPUTY CHAIRMAN: So are you advocating proportional representation then?

MR. BARRETT: No, I don't think so. In proportional representation everybody gets their piece, and you tend to be paralyzed to some extent. You can be anyway. It would depend, I guess, on the circumstances. But what I suggested in the report is to make four seats. I suggested putting Canada into a couple of regions and make four seats available in each region that aren't tied to a riding; they're just seats that are available. If a fringe party gets some minimum number of votes, then they deserve a seat. They should have gotten it except that the votes weren't in a riding, so they can have one seat there.

8:52

MR. DEPUTY CHAIRMAN: Well, that would be a modified form of proportional representation.

MR. BARRETT: Yeah, but it doesn't threaten the riding system so much, because the parties basically can make majorities, I guess.

MR. DEPUTY CHAIRMAN: It's sort of a small relief valve built into the situation.

MR. BARRETT: It's exactly that, yes. I mean, if you don't have a relief valve, things blow up, so you have a relief valve. Then the criticism is there. The criticism is good because it is a relief valve. Opposition parties tend not to be good critics in that – what am I trying to say here? The object for an opposition party is to try and become the government. They want to make the government look bad, but they don't want to criticize the government's policies so that its policies become better. Right? They don't want to give constructive criticism; they want to say, "This policy is bad because I'm not in power." That's not really a useful criticism, but that's what often comes about. The federal government – I remember Mr. Broadbent. He's another guy I liked. He would stand up in Parliament and say things that were just incredible. It was basically, "This policy is terrible because the NDP didn't come up with it." It's the same thing with the other parties too. Every argument is basically rhetorical, so the real reason that policy is bad is because they are not in power.

So I'm advocating to consider ways to get criticism into the parliamentary system, real criticism. These little parties haven't got a prayer of making a government. Right? But they will sit there and complain about this or that, and the government is stung because it is losing a few seats here and there, now and then. It is being threatened, and because they're in Parliament, there's a degree of legitimacy to that criticism. They're not necessarily going to adopt that policy, which is what they tend to do now because suddenly the Reform Party and the Bloc Québécois are so powerful that the only way to stop them is to more or less adopt their policy and take away the support that way. Well, I don't think that's a very good solution. Most people started voting for those little parties as a kind of protest vote, not because they wanted them to set the government's agenda. But now they are setting the government's agenda.

What else was I going to say here? I guess what I talked about there was the regional difficulties. There are all kinds of other examples. There's multiculturalism. There were the hats for the RCMP. Anyone who criticized the idea about the hats – well, they were a bigot. That tended to shut up the criticism, but it didn't really solve the problem. People still felt bad about it. They just didn't want to talk about it anymore because they would be called bigots. So we've got a problem there. It's going to come up again and again. If the way to deal with it is to make sure the criticism doesn't come out and be legitimate, then you haven't solved the problem. There's no safety valve.

There's a sort of green wave rolling across the country now. Everyone's into green and stuff like that. A lot of these nongovernment organizations are now getting a lot of funding from the federal government. On Environment Day they had Dow Chemical and Esso and all these people who from the green group's perspective are kind of the enemies out there saying: "Yes, this is a good thing. You can see how green we are because we have modified the gasoline in such a way or done these minor steps." There's now a catchphrase for what's happening. These NGOs, nongovernment organizations, who were to some extent struggling little groups at one time, now have the money and so on, and they are becoming politically persuasive and so on. They're called GONGOs now, government organized nongovernment organizations, because now they are to some extent bought. They will now have trouble pushing their agenda, trying to look like they're not part of the government, and the government has kind of sidestepped this issue too.

These green things really are important. I mean, there really are problems with the fact that we don't have quite enough ozone in order to shield us from ultraviolet light and things like this. These are real problems. You know, Vancouver is going to be flooded sometime in the next 20 years or so. Apparently, the ice is going to melt, and the sea is going to rise. That's a real problem. But we can buy off the government . . . Well, you don't think so? All right. If it did happen, it would certainly be disturbing. And it would be expensive, and some government's going to have to do something about it. But this government, at least at present, is saying, "Well, no we don't have to do anything about it, because we can avoid the criticism, and therefore there is no problem." That's part and parcel of the same type of thing. They behave in that way quite a bit.

What else are we going to talk about here? Am I running out of time?

MR. DEPUTY CHAIRMAN: Yes, we are. We're at the time now.

MR. CHIVERS: Some of us would like to ask a question.

MR. DEPUTY CHAIRMAN: Yes, you're very stimulating. But we still have our duties to the rest of the presenters.

MR. BARRETT: Okay. I will close with one thing. I don't think the triple E Senate cuts the mustard. I don't think it's the solution you really want. It's ambiguous; the word "effective" in there could mean anything to anybody. Because it's ambiguous, we're going to go out there and negotiate something, and we're not even going to know if we won or lost in a negotiation. How are we going to negotiate if Quebec says, "Yeah, we accept the triple E Senate, but we want one French Senator from every province and one English Senator"? Did we win or did we lose? There are as many Franco-Albertans as there are Prince Edward Islanders, so it's not an argument where you can say, "No, there's not enough of them." So the ambiguity of the triple E Senate is a real can of worms. You'd be better off defining exactly what you want. Make it a means to an end; don't make it the end in itself.

The only other thing I want to say is that I'm really jealous of you guys. You could be looked on as the fathers of Confederation sometime in the future. Historians will look on you and say, "These are the guys who came up with this stuff." If you pursue a triple E Senate or something like that or basically a power grab – make the provinces important and make the federal government a co-ordinating body or something like that. It seems a shame to waste that opportunity. You've got a chance to do something really interesting and worth while here. So, anyway, that's what I hope you do.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much. Even though we're over time, because of the interesting nature of your presentation all members would like to ask a question. I'm going to suggest that it be one short question from each member who wants to ask a question.

MR. CHIVERS: Doug, I want to make the observation first that you were very nonpartisan in your approach to the panel, criticizing all parties equally. I think you've made a very, very important point, and one that I subscribe to; that is, the role of the opposition is not simply to criticize. I don't think it ever has been for the New Democrats. In fact, I think it's been their ability to introduce programs and policies such as medicare, which has been introduced by other governments. So I think your position is very valid, and I for one consider the issue of partisanship to be of utmost importance, that we not allow the constitutional reform debate to become a partisan vehicle. I for one – and I think this view is shared by other members of the committee – think it should not be an issue of partisanship. What we're here to do is to develop the best possible constitution for a united Canada.

MR. BARRETT: I do know the NDP has done good work. All the parties have done good work. I mean, we have a good society here, but we just have a weakness of the system that has to be corrected. It's not people that are the problem. It is: look at the system and make it so that what they want to do happens to be what's good for the society. There wasn't a question in there, was there?

MR. CHIVERS: No. I take it that that's what you were driving at, that the constitutional reform debate should not be a partisan process.

MR. BARRETT: No. Absolutely. Anybody should be able to get in there.

MR. ANDERSON: Doug, I was just interested in your comments on Senate reform and the tripe E Senate. I have a bias because I headed the committee that wrote the triple E concept. Have you seen a copy of the report?

MR. BARRETT: All I have read so far on the triple E stuff has come from Bert Brown's committee, the Canadian Committee for a Triple E Senate.

9:02

MR. ANDERSON: Okay. Let us get you a copy of Strengthening Canada, because I think it does answer a number of the questions you raised about ambiguity on the election process and who would be selected.

MR. BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Stockwell.

MR. DAY: Doug, some fascinating notions here. I want to take the time to go through this and look at them. Your idea of a sixth seat and how all that works is intriguing.

MR. BARRETT: This was written . . .

MR. DAY: Last night at 2 in the morning?

MR. BARRETT: How did you know? No; this was written mostly to clear up things in my own mind. It's kind of my own thoughts on the matter. I really think the first half of it is the important part. In the second half I tried to say okay; now here are some solutions.

MR. DAY: Oh, I appreciate that. This whole process is to clear up things in people's minds, ours, everybody's included. I just want to dispel a notion, if I can, or tell me if this is your notion. I'll be less intrigued if it is. You say that a person or persons from a small party that can never hope to get elected, yet gains a certain position so it can at least have a voice in the House of Commons, will somehow speak not rhetorically and not from the point of view of just opposing everything, as you say the opposition parties do, but somehow will have an extra measure of grace or wisdom or something that's going to cause them always to speak not from a point of view of self-interest but bring forth good ideas.

MR. BARRETT: No. I think they'll always speak from self-interest, but they're motivated to tear down certain aspects. They would tend to be . . . What's the word I'm looking for?

MR. DAY: You use the phrase that these would be parties without a hope of getting elected. But nobody would run if they absolutely didn't have a hope of getting elected.

MR. BARRETT: Hope of getting elected? No. They haven't a hope of being government, but they do have a hope of being elected.

MR. DAY: Right. But once elected, there would always be a hope, however small that party, that they could spread out.

MR. BARRETT: Just like today, right? They do run, and they always lose, but there are always those parties out there.

MR. DAY: The hope is there, yeah.

MR. BARRETT: The hope is always there.

Issue-dedicated: that's the phrase I'm looking for. They would tend to not try to be popular. They wouldn't be afraid to offend a large group of the population. The mainstream parties tend to be that way. It's the nature of politics, small "p" politics, of how people get along together. But these individuals in the small parties tend to be issue-dedicated; they don't want to run the government. Well, they do want to run the government, but they don't have a chance of running the government. They're not going to be motivated by the strategy of "Let's please everybody and then become the government."

MR. DAY: I'll just say that the Liberals last term in '86 with four seats were just as belligerent as they are now with eight, so the size doesn't matter. I'm not saying that's just the Liberals; that's inherent in all parties, Conservatives included.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: And Stockwell is as belligerent as the eight of us combined.

Thank you, Doug. That was indeed a very thought-provoking presentation, and I have lots of questions. I intend to read it very carefully. I'm not going to question you about it now because I can't think of any single thing that's pivotal that time would permit. But I do want to ask you about a more global pivotal question that I've been asking quite regularly. I'd like to hear what a thoughtful person like yourself would say, your general perception, about the need to have a strong federal government as opposed to decentralizing to any significant degree and particularly with respect to the role the federal government should be playing in programs like medicare and social services and so on.

MR. BARRETT: I guess that in an ideal world I like the idea of a federal government that has a certain degree of power. I like the idea of a national government and of the provinces being subsidiary, secondary. I like the provinces there too, but I don't think that as far as negotiating where that dividing line is . . . You see, in number one or number two of your round table discussions you had talks about how this is what a confederacy is about, this is what a federation is about, this is how I define them, and so on. The idea that you have the two levels of government – there tends to be a redundancy there in the good sense. Basically, if one of them falters, the other one can take up. So, yes, I like the idea of the two governments.

Where the dividing line is between the two, where these powers overlap or not, I don't believe the government as it's made up today is competent to negotiate that. All they could say is, "Yes, we want more" or "We want less," depending on what's popular. They couldn't say, "This is good because yes, we can do this job better" or "Yes, the provinces can do this job better, so we will give it to you." I'm sure that individuals in there could make that judgment, but I don't know that the parties could make that judgment. So where the dividing line is is completely arbitrary. I would like to see it being a flexible one that the two groups negotiated, but right now I don't think the federal government can negotiate it, you know, in any way that makes it worth while. Have I answered your question?

MR. DEPUTY CHAIRMAN: Maybe I'll just help. I think Sheldon would like to know whether the province of Alberta should be supporting the strengthening of the federal influence.

MR. BARRETT: Yes, in that you should be trying to make a better federal government that people can be proud of. It's hard, because you guys are there, and I'm saying, yeah, you should be making a more effective adversary for yourselves.

MR. DEPUTY CHAIRMAN: On the other hand, if the federal government goes and sets the standards and says what has to be done and then has no money to help discharge those responsibilities, what's to happen then?

MR. BARRETT: So the point is that what you want is to have a federal government that can decide, make judgments – "Yes, we can do this job; the provinces can do this job" – and separate it that way.

MR. DEPUTY CHAIRMAN: But do you want to give them the authority to set the standards at a certain level that they themselves can't afford to support?

MR. BARRETT: No. I want them to be able to make the judgment. Somewhere along the way they have to be able to say, "This is what we can afford; this is what we can't afford." Right now they can't say that. They're incompetent to make those judgments today.

MR. DEPUTY CHAIRMAN: So at the present time you would not see any change in the distribution of powers?

MR. BARRETT: Yeah, okay. I wouldn't. I would like to see the government reformed in its system, in how it gets people elected and so on. I wouldn't like to see it necessarily weakened or strengthened. That should be something flexible throughout history as times change.

MR. DEPUTY CHAIRMAN: Thank you very much. We've gone significantly over time, but you've made an excellent presentation.

MR. BARRETT: Thank you very much. I enjoyed doing it.

MR. DEPUTY CHAIRMAN: Carol Read, please. Carol is going to be our last scheduled presenter, and then we have a substantial list of people who have not been scheduled.

Welcome, Carol.

MS READ: Thank you, and thanks for this opportunity to speak to the committee. My background is the labour movement. I'm here on behalf of my union local, the Edmonton local of the Canadian Union of Postal Workers, although I do have to say that the views I'm presenting are, to a great deal, my own. I'm wondering if you've received my written presentation.

MR. DEPUTY CHAIRMAN: Yes, we did.

MS READ: Did you also get a copy of the article from the *Edmonton Journal* which was enclosed with my presentation?

MR. DEPUTY CHAIRMAN: I don't think I've seen that. Have you got extra copies of that?

MS READ: This is the only copy I have, but I'll pass it around if you want to take a look at it.

MR. DEPUTY CHAIRMAN: Thank you.

MS READ: I referred to it in my presentation. Have you had the opportunity to read my document?

MR. DEPUTY CHAIRMAN: Well, they've been available. We do have a précis of every presentation that has been made, and we've certainly read those, so we're generally familiar with the contents.

MS READ: Okay. Perhaps, then, I could briefly summarize what it is that I've written.

The federal government plans to decentralize some of the provincial powers in response to the free trade agreement. This is illustrated in the article from the *Edmonton Journal*, although there are many indications that this is the road the federal government is intending to go down. I, too, have written a response to free trade, what I think the Constitution should include in response to free trade, especially North American free trade, but it is quite different than what the federal government is proposing.

9:12

I'll just briefly go over what it is I'm actually proposing. I'd like to see the Charter of Rights and Freedoms strengthened to tackle discrimination and disadvantage, and I'd also like it to be expanded to include a social charter. The social charter would primarily address the issue of economic equity or justice. We accept the notion of equality under the law, and to some degree we accept the notion of economic equity. I'd like our society to move much further in this direction though. A social charter could include such things as universal access to health care for all Canadians – free health care, adequate health care – and also education. I'm concerned that if the provinces are given certain powers, we will see the chipping away at our health care programs.

I'd also like a social charter to implement a system of fair taxation to redistribute wealth in this country. People who have wealth are incredibly wealthy, and I've given statistics in my written presentation to support what it is that I'm saying.

I'd also like a social charter to guarantee all Canadians unable to work an adequate income, above the poverty line. A friend of mine from the food bank commented to me today that it was quite amazing that there was all this discussion about the Constitution going on but there really wasn't much discussion about poverty in this country, and he didn't quite understand how these discussions could be going on without the issue of poverty taking a high profile. I do have to agree. A guaranteed annual income would not just top off poverty wages, however. It wouldn't be just a supplement for employers to continue paying low wages, and it would not eliminate social programs either. One of the goals of a guaranteed annual income would be that all people who are poor could live in dignity and they could afford housing.

I would also like to see a social charter include basic worker rights. I've listed several worker rights that I would like to see included, but there are many more, and I think this is a topic that deserves a great deal of discussion and attention.

I'd also like to see in our Constitution strong environmental protections. The environment is finite; our natural resources are finite. We just have so many, yet the economic system we're under is putting constant pressure on populations to use up natural resources. I'd like you to imagine what could happen if we continue the way we're going now. Right now we have to treat our water so that it's drinkable, and we also have to wear sunhats and protect our children with layers of suntan lotion if we're wealthy enough to afford that. But imagine down the road, when we also have to treat our air in order to breathe, we can no longer go outside, and we can no longer use our soil because we've used it in ways that are not environmentally sound. So I would like the Constitution to put in very strong environmental protections so that future generations can enjoy clean air, clean water, and share in the natural resources. I'd like us to work towards a system of sustainable ecology, and in doing this, we have to redefine as well what we mean by efficiency. In the past efficiency has meant profits. I think it's time we looked at efficiency in different terms and looked at the quality of the work experience for workers as well as the environmental impact of our goals to be efficient.

My final idea is for a system of participatory democracy, and this idea comes to me not so much from the labour movement as from readings in feminism. I'd like to see a system where citizens can become directly involved in decision-making, and I'd like citizens to have the opportunity to meet directly with each other to discuss issues and then make decisions on those issues. I'd also like the Constitution, when looking at the issue of participatory democracy rather than representative democracy, to look at the barriers to participation. It isn't good enough just to have only those who have the time or the ability to participate. We have to look at the reasons why people don't participate and overcome those barriers.

Just to summarize. Rather than trying to change the Constitution to adjust to free trade by decentralizing so that we can become more competitive, as the article I passed around suggests, I'd rather see us approach the Constitution from the viewpoint of what our Canadian values are. I've suggested two values that I think are quite strong, the humanitarian values and also our desire to protect the environment. To achieve this, I'd like to see ongoing direct community participation. I think it's time for us to look at what democracy really means and for citizens to take more responsibility in that area.

There are two systems that I am questioning in this presentation. I am questioning our economic system and the profit motive. I don't think it's the best we can do as people. I think our economic system is a system that when it's based on competition, we find worker competing against worker. We find company competing against company. We find country competing against country for investment, and we see groups of people having to compete against the environment for jobs. It really is a system that does not bring out our finest human qualities of co-operation and compassion, and I think it's time we questioned this system. The demise of communism throughout much of eastern Europe and the U.S.S.R. does not mean that we should just blindly accept capitalism and not see that there aren't significant flaws in this system as well. One of those flaws I really do see is that the environment simply cannot continue to be exploited. Capitalism always has to expand in order to be successful, and the environment is finite.

Does anyone have any questions?

MR. DEPUTY CHAIRMAN: Yes, they do. Thank you very much, Carol.

The first questioner will be Stockwell.

MR. DAY: Carol, thanks for a lot of good thoughts and also for the written material you've presented us with. You're talking about environment and talking about a society that's caring and caring about the environment, and about systems and a competitive system. Have you given consideration to the human factors at work? For instance, in the overall analysis, looking at countries that are the most noncompetitive – and you mentioned eastern Europe, for instance. Not that we don't have environmental problems in North America – certainly we do – but the environmental difficulties and pollution that only now are being talked about in eastern European countries are horrendous, far worse than in the so-called competitive countries.

MS READ: I'm not suggesting that we go to that kind of system at all. I'm suggesting that we put in our Constitution environmental protections to prevent that kind of thing from happening, and I'm also suggesting that we put even stronger human rights considerations into our Constitution.

9:22

MR. DAY: I appreciate that. That's what I wanted to get at: if you understood that difference. The capitalistic system and communistic system both are made by humans and therefore have weaknesses and frailties, and I think your strong point there is the values that have to undermine whatever system we're talking about.

MS READ: The other system that I was questioning, too, which I now realize I didn't mention was the political system, and I didn't mention unquestioning hierarchy.

MR. DAY: In terms of your talking about a totally different political system being set up?

MS READ: I mean if you're trying to suggest that I'm saying I'd like to see the kind of political system that was set up in eastern Europe, I can't say that I'm saying that. I'm suggesting that we look at the whole issue of hierarchy and create more citizen participation in decision-making, which challenges the notion that we vote once every four years, and that's our way of participating.

MR. DAY: Okay. I wanted further clarification from you on some of your thoughts on the different systems. Thanks.

MS READ: I guess what I'm saying is that I'm not coming from a particular system point of view. I don't have a clear-cut economic philosophy here, but I don't think that the profit motive is going to be able to continue to serve the environment well. My own opinion is that it has never really served many people all that well in that it involves exploitation of humans. Now, the world seemed able to tolerate a great deal of exploitation of humans in the capitalist system, but the environment is finite. So if anything is forcing us to take a good look at this economic system right now, it's the environment.

MR. DAY: Right. And it is a profit-motivated system that is bringing out the best technology and products in terms of dealing, for instance, with environmental problems. The mechanisms, the products, the different things that are coming out are profit-motivated, but it's because of folks like yourself talking about the values and what we're doing to ourselves that I think gives the power, then, to direct that profit motive to things that are positive. Somebody once said, and I'll just close with this, that the difference between communism and capitalism is that in communism man exploits man, but in capitalism it's the other way around.

MR. CHIVERS: That's probably the most profound thing that Stockwell has contributed on that particular discussion.

It seems to me that you've touched on a wide and diverse range of concerns with respect to the Constitution, and what I wanted to do was to bring you back to the underlying theme that I think you've expressed, which is the idea of citizen participation and participatory democracy. You may have been here for some of the presentations that dealt with the idea of constituent assemblies or constitution conventions, and I'm just wondering what your thoughts are in terms of how we go about involving people in this discussion, in this debate as effectively as possible. Do you have any ideas in that regard?

MS READ: In the constitutional discussions?

MR. CHIVERS: Yes, constitutional reform discussions.

MS READ: Well, I suppose I would like to see the same kind of thing that I'm recommending just generally: that there'd be a great deal of community-based discussion and sharing of ideas. For example, I would like to hear the ideas of the people who have different views than mine. I would like to sit down with them and discuss those views, I would like to hear what their experiences have been, and I would like to tell them what my experiences have been as well. So I think there has to be this direct kind of – not everyone just sort of reporting to, you know . . .

MR. CHIVERS: You want some dialogue.

MS READ: Uh huh.

MR. CHIVERS: Right. I'd like to pursue it, but I won't, Mr. Chairman.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Hi. You clearly want a very strong government presence in terms of health, education, social services, and the environment. Do you advocate that be accomplished through a strong federal government, or do you prefer that that be done through the provinces?

MS READ: Like I said, I think that if the provinces are given this jurisdiction, then we'll see a return to the chipping away, especially in the area of health care. I mean, the federal government had to come down fairly heavily on the province of Alberta and stop the extra billing. I just think that once and for all this issue actually should be settled, and universal health care should be put in the Constitution so that politicians can't get their hands on it anymore and people don't have to fight these issues year after year, time after time after time.

MR. DEPUTY CHAIRMAN: Thank you very much, Carol.

Now we come to that part of our program that is unscheduled. The time for adjournment of this committee is 10 o'clock. There are six people who have not presented before, plus one who has, which would make seven. I don't think the committee is prepared to accept people for a second round until everybody has had their first. I think it's rather difficult to accommodate seven in a little bit more than 30 minutes. If the committee agrees, we will try to accommodate the six people who have not presented before. Is there any objection to that in the committee? Hopefully the presenters can confine their presentations to something not exceeding 10 minutes.

The first presenter will be Natalie Horne. Welcome, Natalie.

MISS HORNE: Thank you.

MR. DEPUTY CHAIRMAN: Sorry to keep you waiting so long.

MISS HORNE: I'm afraid it's dark out there; I was hoping to avoid that.

Thank you very much for seeing me. I'm just as surprised as you are that I am here, because I had no intention of being here. It's the first forum meeting I've been at, only because the others were all over before I heard about them. So I'm glad that I came this evening. I have nothing really written down or prepared to give to anybody, and I can hardly read what little I wrote down about the speeches that I heard earlier. So it won't take long; you'll be rid of me very fast.

MR. DEPUTY CHAIRMAN: You can rest assured that whatever you do say will be taken down and form part of the record and will be considered.

MISS HORNE: That's good, because I'm going to be very honest about it. I'm not going to be politically correct, which is a new phrase that means chopping down these people in their freedom of expression. That's supposed to erase that but still sound nice.

I'm speaking only for myself. I'm a senior, and I have no special interest group that I'm going to speak for. In fact, I'm quite shocked that many of the speakers were special interest groups. Now, that's fine if they would come and speak for their interest group but on the subject of a new Constitution for the whole of Canada, and I mean all of Canada, as a whole. But in just relating all the things they want in a Constitution that's going to be written by them for them, and they're going to be the government, and the provinces are going to be erased or something: I wouldn't think that that's the purpose of this. They're taking up precious time relating what they stand for. And they could very well – 26 million people couldn't come individually; that's true. So the group could speak for them if they knew what that group wanted for the country as a whole, the whole country, and necessarily for the majority of the people as a whole. I think that's very important for this country.

I would say that the Constitution doesn't really need a vast reform. I would say that not since the BNA Act – since we have had so many corrections in it and so many very bad mistakes made in the Constitution, especially since 1960, we now have to write a new Constitution to try to undo the damage and hopefully not do more damage. So I say that it's certainly necessary, like it or not, for a very greatly amended Constitution. The proof for that is a $400 billion national debt, provincial debts in every single province, even individual debts that we can never hope to pay. There's something drastically wrong with this Constitution because that's all been caused by the Constitution, especially since the 1960s.

9:32

This has all been brought about, all this trouble and all this debt and the division and the bad feeling about it, through bilingualism, multiculturalism, open-door immigration, and the Cadillac universality of federally imposed social programs we couldn't afford. We couldn't afford any of these to the extent they've gone. We're not even able to afford two parallel school systems. I can't understand why there has to be a separate system and a public school system. Can't the Roman Catholics be sure of their people staying in their faith, like the Protestant churches have to do, when there is no religion in the schools? Must they follow the children for a few hours in church in order to indoctrinate them some more? It doesn't make sense to me, and it costs too much.

Then we have ethnic and cultural preservation, which is bad for our country. There's no unity in that and never will be. Then we have foreign aid every day and every year, and we can't afford it. We need it ourselves, if only somebody would give it to us.

A few things that I wrote down are so mixed up I don't know what I have written down here, but I know that the notwithstanding clause came up. I was very proud of that notwithstanding clause. Lougheed and the Premiers wanted that in there when they were in Ottawa and saw that things were all going the eastern Canadian way and before you knew it the provinces wouldn't have anything to say even in their own jurisdiction and certainly not in national programs, which the Premiers knew were not always good. So I think that should be kept in the new Constitution, now we know that there is such a thing, but the provinces must realize that they should use it. Our Premiers wouldn't use it, even though they could have and should have. Quebec used it but didn't need it. Now they want to get rid of that, not so that Quebec won't use it, because Quebec's going to get the veto anyway and that's the equivalent of the notwithstanding clause. They want to make it so that the English provinces would never be able to use it, as if they were threatening to, but they should. I say that it was a slight thing for the provinces, and they should have it, and they should use it. That's what I say.

Also, about universality, I say that it's not good. If you have universality, you abolish the provinces and the provincial governments. They're overruled in everything. The federal government makes the rules, says how much it costs, and then can back out or it can change, and the provinces just have to go into debt and make themselves unpopular that way. So that universality thing is no good. All the provinces including Alberta had very good medicare systems, and it was what they could afford. That is what it should be. What each province can afford, that's what it should do in the line of any of the universal programs. That's what I say.

Now, about the Charter of Rights and Freedoms, I say that that should be abolished. That has created more discrimination than it ever prevented. It is just legal discrimination. That's all it's in there for. Such a thing should never have been allowed through, and there it is. I can't understand it. I can't understand that the nurses rejoiced over the right to strike. Then they are no longer professionals; they're labour, unworthy of extraordinary respect and all these high wages. It seems so queer that a professional group would do that.

Now, then, everybody's for pushing unity with Quebec. If Quebec doesn't want it, what in the world are you going to do? Are you going to force it to want to be united with the rest of Canada? Quebec has wanted to be separate since 1760. Are we going to go on till 2060 or something? I don't know the solution to that but simply being ready to give even more. I don't know what's left that we can give to Quebec to satisfy it. I don't know, but it seems to me an impossible solution. They want unity, and they don't want unity. They want to be united, and they want to get equal rights. They still want power in Ottawa, and they want economic association. I say that if they want to separate, if they want to be sovereign, they should be as sovereign and as separate as Nicaragua or someplace. No economic association, because it just leads to no end of trouble. Just simply cut it off clean.

I noticed in the paper that Alberta was saying it was going to do some business with Belgium; isn't that what the headline said? A few days ago it was in the paper that Quebec had told Alberta to have more business relations with Belgium. Now, of course, that's a French-speaking country. Here we have a case of economic association, telling Alberta where they should trade and why and so on, that it will help bilingualism. In spite of separation, they still want bilingualism here. Can you beat it? That has cost us so much, not only in money but in bad feelings, and it has ruined our education system so that our grade 12s can't make a pass mark anymore. They don't have enough instruction in English. French immersion is taking over far, far too much. We'd have to go back to grade 3 to give them the proper grammar and composition and English literature in separate subjects, geography, history, civics, math. What else is there? That's where the standard of education lies, the really academic necessities, and that has all been thrown out on account of French immersion. It's getting us nowhere. In fact, it's doing worse; it's having our high school people drop out. They've struggled through that French immersion, and they know they've lost out on qualifications for English in companies and businesses. Here they are; disgusted with the whole thing. We've just asked for them to drop out, although we keep wondering: why are they dropping out? Well, that's the reason.

MR. DEPUTY CHAIRMAN: Natalie, we have reached the 10-minute mark.

MISS HORNE: Oh, have we? I had no idea.

MR. DEPUTY CHAIRMAN: Time flies when you're having fun.

MISS HORNE: I'm sorry I've taken so long. I'm glad you told me.

MR. DEPUTY CHAIRMAN: Well, we would ask you to wrap up as quickly as possible.

MISS HORNE: Yes. Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much.

The next presenter is Geoffrey Saxton. Welcome, Geoffrey.

MR. SAXTON: My name's Geoffrey Saxton. I'm an Edmonton lawyer. I'm not appearing on behalf of any group or any party at all. I just wanted to respond to an invitation from one of the MLAs to come down. I hadn't thought about it until I got the letter, and I decided I would.

I'm not here to talk about the Constitution. I want to talk about values, and I want to talk about relationships. We've got the richest, most beautiful country in the world, if only we could manage it. We have a management problem. We cannot deal with everything at once. We've got to get Quebec onside, in the family as a first priority, and then we can all work over a period of time to improve the management and get a better deal for the various groups that have been underprivileged, especially those from the west, the maritimes, the north, and the aboriginal peoples. That's not an all inclusive.

All the fine-tuning, Mr. Chairman, that we could possibly do with the Constitution will not mean anything at all if Quebec is lost. We have to concentrate on unity. I'd like to suggest, sir, that the brotherhood concept is something that we should take a hard look at, and there have been a few speakers this evening who talked about that. They've talked about caring, and they've talked about values. I'd suggest that we have to get away from the me, me type of approach to thinking in society. We've got to learn to co-operate as genuine brothers and sisters. Einstein said: in the shadow of the bomb, we're all brothers. How true. In the shadow of the possibility of a nation that's about to self-destruct, we possibly can suggest, too, that we're all brothers.

9:42

We commonly refer to the society in the United States as a melting pot. We've often used the phrase "the Canadian mosaic" to describe our society, and we've been very concerned about preserving the various multicultural aspects of society. I'd like to suggest that it's probably too expensive for Canada to continue to do that. We've been trying to make it a national policy on multiculturalism. I'd like to respectfully suggest that it's just too expensive. I think we have to let assimilation take its natural course. It's not going to kill anybody, after all.

There was a great vision a hundred years ago of Canada that John A. Macdonald brought forth, of a new nation from the Atlantic to the Pacific. It's served us well, but now we need a new vision of a sharing and caring society which cares for its own, living in a spirit of goodwill, of under one God. I suggest that the process by which we're trying to mend the country is flawed, because everyone is coming to the table, and we're saying: "I want my interests preserved. Don't disturb anything that affects my life-style. Don't affect our group. This is what we want."

You know, there are some major problems in terms of our relationships, staggering problems really, and I just want to relate one little incident to you that vividly is fixed in my mind till the day I die. I was attending a Law Society meeting about 20 years ago. As a matter of fact, I think it was just after the

PQ got elected in Quebec. Maybe my friend to the left here was attending the meeting too. It was the Law Society's annual meeting, and the guest speaker was Camille Laurin, who at that time I believe was the social affairs minister for the province of Quebec. After he had spoken, he was wandering around the room, and as we were milling around, suddenly we were standing face to face. He looked at me and smiled, and I shook hands and introduced myself. I said, "My name's Geoffrey Saxton," and he said, "Well, where are you from?" I said, "Oh, I practise law in Edmonton." "Oh," he said, "very good, very good." Then he said, "And were you born in Edmonton?" I said: "No, sir. I'm English. I came from England at the age of 22 in 1956." Well, if I had been a professional boxer and hit him on the chin with a glove, with an uppercut, and knocked him back three feet, I couldn't have achieved the same results as I saw in front of me at that moment. He jumped back three feet, he glared at me, turned on his heels, and walked off and started talking to somebody else. He had never seen me before in his life.

Now, that kind of response to me is based upon some kind of insane blind hate based upon your feeling about a group. Here you've got a cabinet minister, for goodness' sakes, taking an attitude like that. I'll never forget that. For a long time I thought to myself: "It's his fault. How stupid that he could do that and have these sorts of attitudes, and I wonder how many other people in Quebec have got those attitudes too." Then I thought to myself after a while – it took a few years to get around to this – that maybe it was my fault. Maybe the English – for God's sake, it was the fault of the English. Maybe he was right, and maybe he had got a bloody good reason to feel the way he did. I'd like to meet him again actually. Maybe one day I'll look him up, and we'll talk about this, and I'll find out why he took the attitude he did. It's a major concern to me, because if there's thousands of people wandering around in Quebec feeling that way, they must have a reason. All I can say as an Englishman, now a Canadian but as an Englishman too basically, is that I'm sorry; I'm very sorry about that; I apologize, and I'm sorry to you for whatever the English did that made you feel that way. I'm sorry. I'm really saying now that going from that, in a sense we're all guilty.

It wasn't long after that incident that I was in Montreal. I was in a brokerage office; it was an Anglophone brokerage office. They kept talking about frogs and fish and frogs and fish, and I thought, "What the heck are they talking about?" Finally, I realized they were talking about their French brothers. This is how they were talking about them. I mean, we should apologize. Not too long ago we had bumper stickers in this town: Let the eastern bastards freeze in the dark. Do you remember all that? Let the eastern bastards freeze in the dark. You know, we may pay dearly for that stupidity.

All I'm saying now, gentlemen, is this: surely it's time to say we're sorry; it's time to mend fences. The other day the Japanese apologized to us for the way they treated our men in Hong Kong. It seems to be the trend these days to go around and say: "Hey, look, we're sorry. Whatever we did, we're sorry. Let's get down to business in getting our relationships right."

You know, Lincoln, talking about binding up the nation's wounds, said that at Gettysburg, and it worked. It worked for the Americans. It worked for Lincoln. We need a major change in attitude, and fast. To our Francophone brothers and sisters I say it's time that we said we're sorry. It's time also to say to our aboriginal friends and peoples of this country: "We're sorry. Let's start mending fences; we are sorry."

But I suggest there is hope. Quebec is mainly Catholic and Christian. We've got an awful lot of Christians in this country, and on the non-Quebec side there are a lot of Catholics and there are an awful lot of Protestant Christians too. If Christians can't get together and say: "We're sorry. Let's get together, and let's work this out. I think there's hope" . . . I went to the Premier's prayer breakfast yesterday, and I heard the Premier speaking for divine intervention on the problems of Canadian unity. Let's again pray that this country will stay together. I believe he was on the right track. It's one of the best speeches I've ever heard him make. It was really a prayer, actually, in a sense. The other day Mr. Chretien talked about: "We can't let them go. They're our brothers and sisters." He's right. He was also on the right track.

The mayor of Wainwright, Roger Lehr, recently invited a group from Quebec. They had a marvelous time. It was almost like saying: "My goodness, you people are human beings here. Good heavens, we never realized." A group went from Alberta to Quebec, and they had a marvelous time. People rolled out the red carpet. The publicity and media coverage was fantastic. Why can't we do that? Here's a suggestion for you fellows – why can't we do this? – get every town and village in Alberta to twin with a town or village in Quebec, and then send a delegation and get one back and start rolling out the red carpet and put on a party for these people and say, "Hey, we care about you." Okay? The Brockville people did a dumb thing, but they had the sense to send another group afterwards and say, "We're sorry; we apologize." Okay?

There are just a few things, and I'll be brief, before I finish up here. There are a few things that we might ask our French brothers and sisters. We might ask them to consider this: the language of English is now an international language, it's moving at such an incredible speed. Satellite television now blankets the earth and will see to it that that is a fact. English is a fait accompli. If you go anywhere in Germany, you can speak English to anybody. If you go anywhere in Scandinavia, you can speak English to anybody. Probably in France, too, by now. Why should the Franco-Canadians be so paranoid about that? I don't know. I don't know if I'm right about this, but I've heard it said that President Mitterrand said not too long ago that in 25 years the dominant language in France will be English. He could well be right, because it probably already is in Germany.

9:52

Here's something on the British connection. I'd like to comment on this. Millions of Canadians can no longer relate in any way to the concept of the monarchy. Australia is seriously looking at abolishing the monarchy. A very large majority of the British are no longer in favour of it. I suggest that Canada take a look at that too. If we were to do that, it would be a very small price to pay if it could help win over Quebec. I know there's a large proportion of monarchists on the west coast and also in Ontario and a little out here, too, and I don't want to offend them by suggesting we do that, but Prince Philip has said often that when the time comes that you don't need us anymore, then our job is done, and we'll understand.

There are many inequities. I'd just like to touch on two or three. On the area of values and proportions, we need a country where the needy, the young, the old, the sick can be cared for. We need a country where moderation and reasonableness are the passwords. We need a country where we stop teaching our kids to chase the god dollar. His Holiness Pope John Paul in an encyclical letter dated May 2 said that unrestrained capitalism and consumerism at the expense of moral values – and many of you no doubt have seen this – is something to be deplored. I think he was being very moderate in his language.

MR. DEPUTY CHAIRMAN: Geoffrey, you've used up 15 minutes now. We will have to ask you to wrap up quickly.

MR. SAXTON: Okay. Right.

We don't need a country where it's necessary for doctors to make $500,000 a year to be successful in a no-risk, entrepreneurial system. We don't need a country where half the business assets of the country are controlled by seven billionaires out of Montreal and Toronto while 20 percent of the population is living below the poverty line. So we've got a lot of things to deal with.

I'd like to finish with a little paragraph from a letter that I wrote, Mr. Chairman, to the Citizens' Forum on Canada's Future.

One of the pillars I want to see in the reborn Canada is a respect for a heritage and a respect for our traditions. In the entire process there are many stakeholders. One of those in my opinion is our war dead. We lost 102,000 in three wars. They died for Canada. You know, the day before the battle they didn't go to see their commanding officer and say, "By the way, I want to know if my pension is going to be indexed." They went into battle and they died for Canada. Mr. Wilson, the American President, at Versailles said to Billy Hughes, the Australian Prime Minister: "Just who do you represent?" He said, "I represent 60,000 Australian dead," and there wasn't a squeak out of Wilson after that.

May I suggest, gentlemen, that in response to this we must highly resolve that all these honoured dead did not die in vain. From the memory of their sacrifice we must take increased devotion to the cause of Canadian unity and work so that all can enjoy our great country together.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

Richard Merry is the next presenter. Please come forward.

MR. MERRY: I'll put that up there so that nobody misspells my last name.

MR. DEPUTY CHAIRMAN: Thank you very much. Just like Merry Christmas.

MR. MERRY: It's a hard name to live up to these days.

The first thing I want to say is that I know everybody here has probably had a very long day, and I want to say how much I appreciate that you people have gone around the province and that you're still here tonight, because really what I have come here about is public involvement in political processes, in decisions. Specifically, what I'd like to do is just spend hopefully less than five minutes talking about the problem and giving you five minutes, if you would, to please give me some feedback. I would like to make a written presentation sometime before this constitutional reform process is over, I understand in June sometime. Is that correct?

MR. DEPUTY CHAIRMAN: No. The committee will be meeting next week. In all likelihood there are going to be further hearings, and that will be sometime in July or August. So this process will not be closing off until into the fall.

MR. MERRY: I see. But I won't get to speak again anyway.

MR. DEPUTY CHAIRMAN: Well, no; that's not necessarily the case. If you watch for the time and place, you could perhaps get on as a scheduled presenter.

MR. MERRY: All right. Well, what I'm looking at tonight is to get some feedback on how I could better refine what I have gleaned from two one-hour conversations with two government officials – one with the fish and wildlife branch of forestry and one with the resource planning branch – over the last couple of days. So it's kind of thrown together.

This is the problem as I see it for myself and for Canadians. I hope this isn't redundant. I don't know who else has spoken about it. The Al-Pac situation includes 28,000 square kilometres of a forest management agreement, and there are at least 50,000 more included for other corporations such as Daishowa. My question is: how does this occur with so little public involvement? My hypothesis at this point – and that's why I've come on here – is that the Constitution somehow pays very little attention to environmental issues and resource development issues such as this. So I'm hoping that you can give me some help in that. There must be some possibility in the future that the Constitution can have more power over these decisions, hopefully through allowing for more public involvement.

The situation that I have seen so far is this. A forest management agreement, for those of the audience and the panel who are not aware, involves more or less giving the rights to harvest an area of timber, and very often it may be for 20 years or so. There is one clause by which the public, the government, can withdraw from this agreement. What happens is that if the area that is to be withdrawn is 2 percent or greater, it has to be made up as stated here: the minister shall replace such excess by adding an area from the nearest available public timberlands equivalent to such an excess area.

What it amounts to is that the FMA is really quite a final process as far as I can see. The Al-Pac pulp mill has been invested in heavily and has been started, and so once the FMA is signed, you can't do much about it. I think there may be one or two cases where much has been done about it. The problem is that the public has very little input into the negotiations for the FMA. Now, one possibility is through the resource planning branch, and this is where the conversation with the resource planning person came in. Getting back to my theme, in the brochure Integrated Resource Management dated 1984, it states:

> The public involvement program encourages extensive public involvement and actively seeks the public's review and comment on planning material.

Well, the problem with that, of course, is that that can only happen after the FMA has come into place. So what can you do? You can maybe make some modifications, but there's no power over what I see as this massive giveaway of a public resource.

What I would like to do is suggest again that there must be some way the Constitution could be changed to give greater power to the people, to Canadians as a whole, in these decisions. So I would like to ask your opinions on that: if that's going to be possible, and why this situation exists.

10:02

MR. DEPUTY CHAIRMAN: I'd like to answer. It became a government policy to develop what was perceived to be a natural resource of the province. I think the policy was well announced before the last election. I guess if there was strong opposition to that policy, the government would have had its support significantly reduced.

MR. MERRY: There was strong opposition, but there was no channel for it to be aired, at least in regard to this forest management agreement.

MR. DEPUTY CHAIRMAN: Well, you mentioned that the projects were based on forest management agreements. These large projects were announced, and the forest management agreements were announced before March 20, 1989, when the last election was held. I guess if there was strong opposition throughout the province to that development taking place, it would have shown up in support for the government.

MR. ANDERSON: Mr. Chairman, maybe I could make two comments that might help. First of all, there is now a new process in place called the Natural Resources Conservation Board, passed in the Legislature recently, which all nonenergy-related projects will have to go through. There was a considerable public input process like the one you speak of. But you're asking for advice on how you can guarantee public involvement. I think in everything we do now we have to have more public involvement. That board that's been established by legislation is one example of that. Some people have suggested that environmental concerns be entrenched in the Constitution. Since you asked for personal advice, my personal opinion would be that it would be very difficult, if not impossible, for a Constitution, an overall document, to deal with those specific kinds of instances; those have to be dealt with more in legislation. Your thoughts on that would probably be most appropriately directed to us as a provincial government and the Environment department rather than through the constitutional process. But others may have other thoughts.

MR. MERRY: I guess I wasn't clear. You can't guarantee public involvement. Either people are interested or they aren't. What I'm asking is a guarantee that the government is going to actively seek involvement from interested individuals, all kinds of people, rather than just specific interest groups.

MR. ANDERSON: In the case you mentioned, that did happen, at least for the area that would be affected.

MR. MERRY: The people there, yeah.

MR. ANDERSON: I guess we can argue and different groups may argue to what degree that involvement is necessary. I suspect everybody here would agree that public involvement is necessary in the major projects, and input on how much it is is always helpful. So if you want to make further suggestions on how that's done, I think that would be helpful, although personally I don't know that we can practically relate it to constitutional changes.

MR. MERRY: Isn't it a question, though, that the power largely resides here in the province? The same with the Alameda project: the provincial government there reversed what was said to be unconstitutional.

MR. ANDERSON: Well, that's a legitimate question: whether the federal government should play a role in general environmental guidelines to a greater extent. They do now. They do have some authority. So does the province. Both had to agree on the environmental involvement and the public participation process on the project you mentioned. That would be a legitimate constitutional question: how much more power should be where? I don't know that any of the answers would ensure what you would like to though. I think those have to be ensured by us as Albertans in the process.

MR. MERRY: Yeah. You're saying the Constitution can't ensure that the government will somehow involve the public here to a greater extent.

MR. DEPUTY CHAIRMAN: I see that Barrie would like to be heard.

MR. CHIVERS: Yeah. Richard, I know you appreciate that we're working under some pretty severe time constraints tonight. There are two points I want to mention to you. One thing which might assist you in focusing your thinking on the constitutional issue with respect to environmental protection is that I've asked Mr. McDonough, the staff assistant here, whether he could make available to you a paper that was presented by an environmental lawyer with respect to that idea. That may assist you in focusing your thinking for a further presentation if you wish to make it. The other thing is that this is an issue presently before the Legislature. Without being too partisan, there is a private member's Bill, the Community Forests Act, I believe it is called, by Mr. McInnis, that's coming up for debate in the Legislature. You may want to keep yourself apprised as to the development of that Bill and the debate.

MR. MERRY: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Just very simply, if the question is whether or not that is something in respect of which we could have a constitutional mandate, we have heard recommendations to the effect that a certain type of environmental clause should be in the Constitution granting the right to clean air, water, and so on. That in itself, however, does not address the issue of participatory democracy. I haven't seen that. I don't know whether something is addressed in the paper to which Barrie referred.

MR. CHIVERS: No. I'm thinking of Tilleman's submission on the constitutional entrenchment of environmental protection.

MR. CHUMIR: Sure. I haven't seen anything. In theory it is feasible. Whether it can be put in in any meaningful sense or whether it would have to be so vague that it would be almost invisible is something I don't know. I think that's what we're here for, to hear from members of the public. There are lots of environmentally concerned people. Might I suggest that maybe you could work on coming up with something saying whether it's been done or whether a credible proposal has come from people with some expertise. We're here, I guess, to listen and try and figure out what to do with thousands of issues. Your concern is very well founded as far as I'm concerned, but whether or not it's to be in the Constitution, I think you're going to have to give us some help rather than the other way around. That would be my thought.

MR. MERRY: I'll work on that then. I'd just sort of suggest maybe renting out the Coliseum so the city of Edmonton could get involved in the next FMA decision, but I don't know.

Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter is Myles Evely.

MR. MALAISON: My name is Malaison.

MR. DEPUTY CHAIRMAN: Excuse me. Just a minute. According to my list, the next one is supposed to be Myles Evely. We'll be calling you next.

MR. MALAISON: Excuse me, sir.

MR. EVELY: Do you want me to go back and get this? I forgot it.

MR. DAY: We can remember it.

MR. DEPUTY CHAIRMAN: Yeah, we'll remember it.

10:12

MR. EVELY: I have a bit of a cold, so my throat is not in very good shape. I would like to talk about an issue that allows us room to put more compassion in the Constitution, and that's the issue of animal rights. I think one of the problems with this issue is that so many people depend one way or another on exploitation of the animal kingdom to make a living, either directly or indirectly, that when it does become an issue, it involves somebody's interests in an exploitive manner. For instance, trappers', hunters', and natives' issues in a lot of cases revolve around animal issues, although from a somewhat different point of view, the point of view of how much use they should be allowed to have regarding the animal kingdom. I suppose with this issue you'd have to have some kind of separation of domestic and wild animals; you could include wildlife in that concept. For instance, one example I know for sure is that some native rights groups want to be able to override the Endangered Species Act in order to be able to hunt at will or trap at will at any time.

In this country most special interest groups have a lot of things going for them as it is already, have a lot of rights, have made a lot of inroads, and have been around long enough so that a lot of what they want now is just extra money and extra power. A lot of the things they do are either redundant or getting to the point of being a power grab or money grab. I think that since the animal kingdom, domestic and wild, basically has nobody to represent them, doesn't vote, doesn't control money, doesn't speak our language, they end up always being left out of any kind of definition of what their rights are. I think there should be some development of this in the Constitution or some provision in the Constitution where there is a development of this, some kind of step toward eventually making it so there is. With all the different people lobbying for their rights, whether it be hunters, trappers, natives, we're going to end up with several more extinct species and a lot less wildlife than we have. If you combine this with the effects of industry, as in air pollution, water pollution, loss of habitat, there could be a big problem eventually. As far as domestic animals go, addressing things like laboratory experiments, pet abuse, or farm animal abuse might be a good idea.

One of the problems we have in this country is that people have so much and constantly want more. Everybody belongs to a group of some sort, and that group wants more money and more power. It seems to me that in a lot of cases it's getting to the point of being ridiculous. We live in a global society, we have something like 24 million people in this country, one of the largest countries in the world, and it's our land only because of the borders that allow us to call it ours. It's not necessarily our land for any reason other than just because it's that way, because the political situation happens to be that way at the moment.

I think that as far as the rest of the world goes, we have much more responsibility than we actually take right now. We take care of ourselves, and in my mind the evidence that we take too much care of ourselves is the fact of how much waste there is, how much jostling for power, wealth, and favours there is. If we don't start treating the rest of the world like it's part of our responsibility too, then I think we'll eventually pay a price for that. For instance, with all the land we have here, if we don't either protect it for its own sake or share it with the rest of the world, the rest of the world may eventually want to take it from us, and I can't blame anybody for that. You have something like 800 million people crammed into a country the size of India and 24 million people in a country like this and we all want more. Nobody is happy with what they've got; everybody wants more. There's something really wrong with the way we look at things. I think we should have in the Constitution as well some sort of doorway to accelerate our concern for the rest of the world. We don't have to import the negative things from the rest of the world, but we can try and share what we have with the rest of the world. The biggest thing we have is land. We have some know-how too, but we have land.

Another thing it would be really good to think about from a constitutional point of view is an environmental Bill of Rights. I gather from the last speaker that you've already talked about the possibility of an environmental Bill of Rights. I imagine somebody presented that to you before, so I won't spend too much time on it. An environmental Bill of Rights would fit in fairly well with an animal rights Bill. Backed up by an animal rights sort of spot in the Constitution, environmental rights would be a little easier to actually bring about, mostly in terms of ecosystems. You said clean air and clean water, which is a really good idea, but I'm thinking in terms of ecosystems too. I know our national parks system sort of does that in a way, but we should increase it. Our country doesn't have that much in the way of national parks compared to a lot of other countries that actually can afford it much less than we can.

I think a lot of our systems really need to be looked at: our health care system and our social service system.

10:22

There are massive amounts of abuse and massive amounts of waste. I've been driving a cab for 13 years, and I see people spending $1,500 welfare cheques in two or three days on silly stuff. I imagine with the health care system, there's a lot of waste and a lot of abuse and a lot of places where corners could be cut, and if it's not done and it's not done properly soon, then we'll end up having no health care system. I don't think it's a matter of anybody being guaranteed a social service net or a health care system, because in a lot of places nobody is guaranteed anything like that. We can only be guaranteed that if we can afford it. We can't afford it as long as the abuses and the waste continue to happen. These are things that really have to be looked into.

I'm personally in favour of cuts in expenses right across the board, whether it be grants to industry, grants to just about anybody – I mean expenses, that is, anyway. For instance, creating a national park is not very expensive – it's mostly a matter of leaving it alone – in comparison with a lot of other expenses. I don't know where we should cut back more than anyplace else, but I think that if we want to save money anywhere, we're going to have to try and save money in all places and look for ways of getting everything done more efficiently. Anybody who figures that we should all be guaranteed this, any special interest group that says, "Well, we need this money, and we need this power" – where does it stop? You can't give all the money and all the power to somebody, because it's going to run out. It seems to be running out already.

MR. DEPUTY CHAIRMAN: I think time has almost run out too, Myles. I'm sorry, but we've gone almost 15 minutes now, and we were aiming for 10. Thank you very much.

MR. EVELY: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Now Gilles Malaison. Bienvenue.

MR. MALAISON: My name is French: Malaison, oui? I no good talk English. Mlle Grenier traduit English pour everybody to understand. Okay? Parce que I don't speak good English.

MR. DAY: C'est bon.

MR. MALAISON: Okay. Ma première solution. Je veux participer à vos débats. Voici, je suis un gars de construction, premièrement. J'ai travaillé de l'est à l'ouest, de Halifax à Vancouver, passant par Terre-Neuve.

MISS GRENIER: He states that he's a construction worker who has worked in almost all the provinces in Canada, even in Newfoundland.

MR. MALAISON: Donc, je peux vous dire une chose: j'ai rencontré le long de mon passage beaucoup d'immigrants, et je pense que la première chose est l'immigration au Canada.

MISS GRENIER: In his work, naturally, he has encountered a lot of immigrants, and this will be one of the topics he will discuss.

MR. MALAISON: Voici la suggestion qui vient de ma part pour collaborer avec l'organisation que vous avez fait. Je pense qu'on devrait, premièrement, fermer les portes et régler les milliers de dossiers pour les rentrées, et settler cette première partie de l'immigration que nous avons en ce moment.

MISS GRENIER: He believes that the doors to immigration should be temporarily closed so that we can settle the problems that we actually have before going on to let more people into our country.

MR. MALAISON: Par la suite, nous avons beaucoup d'immigrants qui arrivent au Canada et qui ne parlent même pas l'anglais.

MISS GRENIER: He also states that a lot of immigrants that are coming to Canada do not even speak English.

MR. MALAISON: Je suppose que quand nous appliquons – car j'ai déjà vérifié ça; ça fait peut-être longtemps – mais on posait la question: "Parlez-vous anglais? Parlez-vous français?" et la personne disait: "Bien," si c'était pour l'Alberta, "je parle l'anglais." Mais, par contre, rendus au pays – je ne sais pas si c'est le manque de la personne qui va en voyage pour prendre les applications et les faire rentrer au Canada – c'est yes puis no. Ils posent lots of questions, et c'est yes. L'immigrant parle toujours yes et no et rendus dans notre pays, ils ne peuvent plus – "I no understand." Ils ne comprennent même pas l'anglais.

MISS GRENIER: He states that when these immigrants are interviewed back in their homeland before coming to Canada, what questions are they asked? Are they asked if they know either one of the languages of our country? Because it seems that when they arrive here, they can only say yes and no, and then we have to spend money educating them in our language.

If I may add just a little aside, I contacted the French consulate not long ago because I was interested, as I did some volunteer work in one of the schools here where there are English as a Second Language classes. If an immigrant went to France, say, I wondered if they would spend money educating him in the French language, and I was told no, whereas here we're spending money to educate them. Granted it's spent to get them into the labour force earlier, but how come other countries are not spending money?

MR. MALAISON: Maintenant, sur le côté de notre histoire. Le Canada a une histoire, et tous les immigrants qui s'en viennent ici ne connaissent absolument pas notre histoire. C'est pour ça que nous nous battons – c'est-à-dire que nous ne nous battons pas – mais le Québec, lots of people, beaucoup de monde, parlent, "le Québec" puis "le Québec." Mais au Canada nous avons une histoire. Ce sont les Canadiens-Français qui ont découvert le Canada, qui sont venus dans l'ouest, et qui ont défriché l'Alberta, et cetera, comme dans toutes les provinces. Avec les Pères Oblats, l'Alberta a été découvert, a été défriché par des Canadiens-Français. Je me souviens que j'étais à Fort McMurray en '76. J'écoutais une émission à la télévision des jeunes, et j'ai vu tout de suite qu'il y avait un manque dans l'instruction. On avait demandé à la petite fille une question: qui a défriché l'Alberta? On avait répondu: Chinese, Ukrainiens, Japonais. Mais on n'avait pas nommé le Canadien-Français, et c'était le Canadien-Français qui avait été un des premiers ici avec les Pères Oblats.

MISS GRENIER: He is bringing in here the subject of history. We wonder if Canadians really know the history of Canada. When he was in Fort McMurray – this may be related, too, to the immigrants; I don't know. Do they teach them, besides the language? Do they give them a little notion of the history of Canada? Because he said that at this meeting in Fort McMurray, they had questioned young children. As he said, Alberta here was settled a lot by the French Canadians, who immigrated from Quebec, and this little lady thought that Alberta had been settled by the immigrants, by the Ukrainians, the Chinese, and the others. I guess she knew very little history about Canada as a whole.

MR. MALAISON: Maintenant je voudrais rapporter dans ça, dans l'immigration, pas parce que je suis raciste. Au contraire, j'accepte qu'on a un pays qui est grand; on est capable d'en accepter 100 millions de population. Mais on devrait donner un pamphlet aux immigrants pour, avant de rentrer au Canada, qu'ils sachent l'histoire du Canada – notre pays, qu'est-ce que c'est? – et chaque province, parce que jusqu'à date on ne s'est jamais entendu, l'est avec l'ouest. Ça c'est très important, je pense: un pamphlet qui dit notre histoire pour que chaque personne qui rentre automatiquement connaisse un peu l'histoire de notre pays.

10:32

MISS GRENIER: He feels that the immigrants that come to Canada should have a very good notion of our history. This would help a lot in the relationships between the east and the west, and it would make them conversant with our country.

MR. MALAISON: Maintenant quand l'immigrant est accepté au Canada – on a un pays qui a 3,000 milles, et quand on veut le visiter de l'est à l'ouest, ça coûte cher. D'après les statistiques que j'ai, au prix que l'avion coûte de partir de l'Alberta pour aller dans l'est, qui est une réservation de trois jours et de $1,100 et plus pour aller voir le Québec ou descendre vers les maritimes, l'immigrant qui est ici va s'en aller en Europe pour le même prix, et son argent va être encore plus profitable. Alors les personnes de l'ouest ne vont jamais dans l'est. Elles vont plûtot en Europe, en Asie, n'importe où, au prix que ça coûte.

MISS GRENIER: Here he refers to the high cost of traveling within our own country. It's cheaper to go to Europe or even to go to the States. This, in a way, is affecting not only the immigrants. When they have made a little bit of money, instead of visiting the rest of Canada, going to Ontario or the maritimes or the east, well, they will go back to their homeland. It also affects us Canadians. I know I went to France two years ago, even last year, cheaper than I could go down east. That's not very good. We don't get to know our country very well that way, do we?

MR. MALAISON: Il y a eu, voilà longtemps, peut-être 20 ans, une entente durant les Libéraux – pas parce que je suis Libéral; je n'ai pas de parti pris ce soir, ici – mais il y avait eu une entente peut-être 20 ans passés avec les autobus, avec le train. L'autobus de Vancouver à Montréal coûtait $99. Le train coûtait $110 parce que t'avais une chaise couchante, un peu. C'était des prix sur lesquels les provinces de l'ouest et de l'est avec le gouvernement fédéral avaient fait une entente pour attirer l'immigrant et tous ceux qui sont dans l'ouest, pour essayer d'aller dans l'est, et ceux de l'est, venir dans l'ouest, car je suis déjà venu, moi, à ces prix-là. Mais aujourd'hui, si on regarde les prix, même en train c'est dévastateur. En avion, il faut que vous réserviez 21 jours dans des temps morts. Et 21 jours, vous savez que dans 21 jours on peut mourir 100 fois. On ne peut pas prévenir longtemps d'avance. Alors les décisions de 21 jours, je trouve ça affreux aussi. Ça serait des choses à corriger, ou s'il y a quelque chose après là-dessus, j'aimerais bien que vous en preniez note. Ça aiderait sûrement ça. Beaucoup d'immigrants iraient vers l'est pour voir notre pays, à la grandeur du pays. Merci.

MISS GRENIER: Here he refers to how there was at one time, about 20 years ago, an understanding between Ottawa and the provinces to encourage Canadians to travel back and forth, and it was fairly reasonable. But we don't hear about that anymore, and the prices have gone sky-high. It's very expensive to go either by bus or by train now, and even the airfare is expensive.

MR. MALAISON: Pour finir, je dirais que dans les manufactures, plus qu'on rentre d'immigrants plus que nos manufactures s'en vont en Asie, et cetera. Les compagnies s'en vont, et nous on reste ici avec l'immigrant qui rentre. Pas d'ouvrage pour eux non plus. Pourtant, quand vous allez acheter une chemise, n'importe quoi, on le vend le même prix que si elle était faite au Canada. Vous allez dans les gros magasins, c'est tout du Hong Kong, Japon, Corée. Et de plus, les manufactures qui font le plus de profits s'en vont en dehors au lieu de rester ici. Elles feraient moins de profits, mais tout le monde travaillerait. On rentre l'immigration, mais on ne reste jamais avec l'immigration. C'est encore un autre problème. On faisait une grosse publicité là-dessus à un temps: d'acheter notre produit avant d'acheter le produit d'en dehors. Mais aujourd'hui, tu t'en vas dans les magasins, c'est tous des produits qui viennent d'en dehors de notre pays.

MISS GRENIER: This has to do with the products. A lot of our goods are manufactured in other countries and then resold to us here. This creates unemployment for us because the manufacturers are having their goods made in China or other places but Canada. Now, if they were to make these in Canada, perhaps we would make less money, but at least we'd have full employment. A few years ago they always used to say, "Buy Canadian; buy Canadian." We don't see that anymore.

MR. MALAISON: On the TV.

MISS GRENIER: It was publicized even on TV a lot. Canadians were encouraged to buy Canadian in order that we Canadians could find jobs. Why is it that nowadays we don't see this anymore? Unless a consumer is very alert when he sees a product, looks at the label to see if it's really Canadian made.

MR. DAY: We say, "Buy Alberta."

MISS GRENIER: Well, I'd say, "Buy Canadian." Myself, I try to look for that.

MR. MALAISON: You check Eaton's, La Baie, Sears, everything. You check. A long time ago, Tip Top was a Canadian production. You check; all the time, everything: one shop, one stuff, Canadian. Everything: Corée, Japon. I know, les compagnies qui s'en vont ailleurs font des profits, des millions. Ça c'est notre gouvernement canadien.

Je voudrais aussi mentionner que chaque province devrait contrôler sa province, et l'affaire de l'immigration, de l'importation appartiendrait au fédéral, d'accord, mais plus de souplesse avec nos provinces. Que le Premier ministre de chaque province ait plus de souplesse avec son gouvernement dans toutes ses richesses de sa province.

MISS GRENIER: He feels that the federal should have certain powers but that the province should have powers over its own natural resources and have more power there to legislate for its own resources.

MR. MALAISON: Thank you very much de m'avoir écouté.

MISS GRENIER: I always buy Westclox whenever I need clocks, and lately I was surprised. I needed a new travel alarm. Made in China. They always used to be made in Ontario.

MR. DEPUTY CHAIRMAN: Thank you. Merci. Our last presenter is Mr. Milt Pahl.

Welcome, Milt.

MR. PAHL: I'm sure, Mr. Chairman, that you're glad to see me, given the lateness of the hour.

MR. DEPUTY CHAIRMAN: Oh, you're very welcome. Anybody who was born in Hanna is always welcome.

MR. PAHL: Thank you, Mr. Chairman. I appreciate that down-home welcome. As a former Member of the Legislative Assembly, I commend both you and your colleagues on the task force and in the Legislative Assembly for undertaking this initiative to hear all Albertans and Alberta organizations to help develop an Alberta position on constitutional reform. Given the lateness of the hour, I'd also like to commend you all on your endurance.

My expectation is that this will result in an Alberta position or an Alberta view of a new Constitution for Canada. In other words, I hope that your efforts and the efforts of the Legislative Assembly will be dedicated towards developing and promoting Alberta's view of what the Constitution of Canada should be, not a response to someone else's view of what the Canadian Constitution should be or should do.

10:42

However, in congratulating you on listening to and seeking out the views of Albertans, I would also admonish you and your colleagues on the committee and in the Legislature on both sides of the House to not abrogate your responsibilities as the political leaders of this province. You and all Members of the Legislative Assembly were elected not only to represent the views of Alberta but to take the initiative and the leadership in issues such as constitutional reform. In your position of both experience and leadership it is my view that you need to consider the views expressed in these forums but cannot be bound by them, for as most of us know, it is not necessarily the loudest or the most broadly held or the most articulately expressed view that is the right one on all matters.

Perhaps the best way, Mr. Chairman, for me to express my personal views to you on the Constitution of Canada is to view it as a 120-year old spreading bush or shrub. Over the course of its life it has flourished in some areas, depending on the amount of soil nutrients, moisture, and sunshine it has received. This constitutional bush has had some new and unique shoots added to it such as the addition of Newfoundland to the Canadian Confederation in 1949 and, of course, other provinces earlier. It has some grass attached to it such as the Charter of Rights and Freedoms in 1982. I suppose in some metaphoric sense the entire constitutional bush was transplanted from Westminster, England, to Ottawa with the repatriation of the Constitution in 1982. So now the constitutional task force of Alberta stands before this marvelous old bush with a watering can, a supply of fertilizer – no pun intended – and, of course, pruning sheers. My analogy, Mr. Chairman, is that you landscape gardeners have a wonderful opportunity to mold, to shape, and to nurture this bush, to cut off some deadwood, to encourage some new directions, but you must be careful not to kill the bush.

Perhaps a comment is in order on the trimming plans for the bush from the last group of landscape gardeners: the framers of the Meech Lake accord. In my view, the worst flaw in the Meech Lake accord was the three-year ratification period during which all of the critics could bring out the theoretical bogeymen hiding in the accord. The Meech Lake accord died as much from misinformation and misunderstanding as it did from a lack of perfection. We should also remember that the work of the landscape gardener, as long as he takes care not to kill the bush, will not be permanent. Remember that through the nature of our Confederation we are in fact designing a Constitution by committee, which means in the end result it will have its imperfections and compromises. However, if the fundamental work is sound, like my caragana hedge at home, mistakes grow over, and we'll have a chance to improve on the next time around.

It is also in my view important to remember that as we go into this next round of constitutional pruning and primping, in the final analysis the First Ministers' Conference, with their agreement subject to the ratification of various Legislatures across the country, represents the final and legitimate committee or forum for constitutional amendment. All of the parties to the First Ministers' Conference are there through the democratic electoral process. Critics who propose some other final framing arrangement are reminded of the words of Sir Winston Churchill about how bad democracy was unless you compared it to the next best alternative.

I would also emphasize the view, Mr. Chairman, that contrary to the advance publicity, the resulting changes to the Constitution are not going to start entirely from scratch. The Constitution of Canada has served us well over its 123-year history. The fact that it was not visible as a stand-alone document until 1982 did not seem to markedly hinder the development of our country. This Constitution and country have developed with a history, tradition, and reality of geography and economics. As grand as the notion is, I think we should remember that we're merely gardeners and caretakers and not God when it comes to framing a new Constitution and a new order for a country as developed, as large, and as diverse as Canada. We have to remember our history, not apologize for it, and build on the strengths and missteps of the past.

My first instruction to you, Mr. Chairman, is that this is a federalist bush, and if you try to change it, it will die. A federal bush has strong roots at its core but also has strong and deep roots at its outer edges. There's no defence in trying to make the federalist bush strong by cutting off roots and shoots at the outer edges. In case anybody missed the analogy, the point is that our Constitution now recognizes exclusive powers in the federal jurisdiction and exclusive powers and responsibilities in the provincial jurisdictions, and those essential features must remain.

Our history illustrates that jurisdictional disputes and territorial grabs will be attempted, and usually that temptation occurs at the federal or centre of the Confederation, as witnessed by the disastrous national energy program, which was a cynical grab for control and, quite literally, ownership of the oil and gas resources of the producing provinces of western Canada. How anyone with a 10-year-long memory of the documented devastation, destruction, and looting of the oil and gas producing provinces by the federal government with the national energy program can argue or even suggest that Canada is too decentralized already is beyond me.

On fiscal matters I would argue for a whole lot more decentralization in the Canadian Confederation because it was federally imposed programs and expenditures that put this country in such a terrible debt situation. The centralist-leaning federal Liberal government of Mr. Trudeau – and I apologize for being a little bit partisan – imposed a largess and a legacy of social and health programs that were not affordable, and the provinces had to go along or go without. For those who have that 10-year memory, does the name Monique Bégin mean anything?

The next point, Mr. Chairman, is that the Canadian federal bush, with the exception of parts of British Columbia and southern Ontario, is in a pretty unfriendly growing climate, and there is only a limited amount of nutrients available to the bush, notwithstanding the generous but selective use of fertilizer – read taxpayers' money and/or transfer payments – to spread around. Another way of saying it is: if your part of the

Canadian bush is located in the shade, there is no way to increase the amount of sunshine there. I'm also not sure that you'd want to, because Canadians also cherish the diversity in which they live. Let me leap from that ecological reality to the notion that we will never create the levels of opportunity that are enjoyed in economically prosperous areas equally across our country, nor should we try. What our federal bush should do when finally pruned is to create an equality of opportunity. Central to that equality of opportunity is a freedom for people to move from one region of our country to another and to be able to access some basic levels of health care and education throughout Canada.

The next point is that we in the past have done some grafting on that federal bush that in my view turned out to be a total parasite. Yes, worse than mistletoe. I speak, Mr. Chairman, of the Canadian Charter of Rights and Freedoms. Get out the pruning shears and cut it off. Get rid of it. It's totally unnecessary and useless to the ordinary citizen. It has created a refuge for criminals such as Clifford Olson and Charles Ng and has kept the criminal lawyers busy at Canadian taxpayers' expense.

Mr. Chairman, I think I have beat around the bush long enough, but I would like to directly touch on other matters of interest and concern, I hope, to all Canadians.

Quebec. I firmly believe and accept the fact that Quebec, particularly Francophone Quebec, represents a distinct society and that our Confederation should be able to accommodate that distinctness by allowing the province of Quebec or any other province to foster their cultural, linguistic, and any other uniqueness in their own way and at their own expense. In fact, I have no problem retaining the notion in our Constitution that we are a country that has two official languages. I do not accept that we are a bilingual society. We never were. We never will be. My view is either French or English as an official language, and either language will be sustained where numbers warrant. My definition of where numbers warrant is where there are sufficient numbers of either French-speaking or English-speaking people to pay for the services and the language of their choice. By the way, Mr. Chairman, if you hold to that view, it removes any problems with respect to French or English school systems. They are defined strictly by affordability and numbers warranting the service.

Multiculturalism. Mr. Chairman, my advice to the task force on multilingualism and/or multiculturalism is that neither have any place in the Constitution of Canada. Canada has always been a country, and Canadians constitute a society that has welcomed minorities and given members of the minorities opportunities equal to those of any other Canadian. If minority groups wish to promote and perpetuate their distinctness, let them do it at their own expense with the fullness and freedom that all Canadians enjoy.

The Senate. My limited advice, Mr. Chairman, is either to reform it, triple E of course, or to abolish it, but do not expect too much of it. The power of the Senate is derived from the federal arm of our parliamentary federation, and in my view only one Legislature per jurisdiction can have taxing and spending power, so let's not make too much of this old, red-chambered herring being able to significantly assist provincial or regional interests with its sober second thoughts.

10:52

Mr. Chairman, I read a news report where a municipal politician was quoted as wanting to have constitutional powers entrenched at the municipal level. What nonsense. We have enough jurisdictional problems as it is, and the municipalities should remain a creature of the provincial jurisdictions, and provincial jurisdictions should be able to resolve overlapping jurisdictions and expenditures resulting therefrom without invoking either court challenges or constitutional debate.

In summary, Mr. Chairman, my humble advice and points of view are summarized in the following points. One, constitutional reform is a shaping, pruning, molding process. Consensus and workability should emerge in clipping the constitutional bush by committee, so don't worry about some of the imperfections which will inevitably remain. They will be covered by the new future growth within our constitutional bush and be reshaped by gardeners of the future.

Two, Canada is a Confederation and successful among the nations of the world by having strengths at the outer regions as well as the core. Former Speaker of the Legislative Assembly Gerald Amerongen said it best when he said, "You cannot strengthen a family by making some of its members weaker." In other words, Canada will remain Canada with the provinces retaining a strong measure of control over their resources, culture, and destiny. As I recall, the Meech Lake amending formula accommodated that concern very well. Amendments to the Constitution should strive to create an equality of opportunity evidenced by reasonable freedom for people to move to areas of economic, cultural, and linguistic opportunity. However, all areas should provide adequate health and educational systems to make all Canadians basically functional and mobile in an increasingly competitive Canadian society.

Three, ditch the Charter of Rights. It is unneeded and an expensive hybrid grafted improperly onto the British parliamentary system, which is at the roots of our system. The only thing worse than making a mistake is not to admit it.

Four, Quebec. My fear for Quebec is that the political leadership of Quebec and from Quebec will so anger and alienate the rest of Canada that real damage will be done to the Canadian family. My view is that there is plenty of room in the Canadian family for the richness and diversity that Quebec represents, but sovereignty, be it for a province or for any of the over 500 Indian bands in Canada, is simply out of the question in a Canadian context.

Thank you, Mr. Chairman. In closing, we should all wish Canada bonne chance.

MR. DEPUTY CHAIRMAN: Thank you, Milt. With that, the committee would like to thank everyone who came here today and participated in this process of helping reshape and renew our country. Thank you.

[The committee adjourned at 10:55 p.m.]

9:01 a.m. Saturday, June 1, 1991

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: The committee will come to order, please. It's after 9 o'clock, and we do have a very full schedule for the day. It's always a concern, of the Chair at least, that every person who has made arrangements to present should have the opportunity of doing so, and if we don't make the best use of our time, some people might be deprived of their right of expression. We wouldn't want that to happen. On behalf of the Alberta Select Special Committee on Constitutional Reform I welcome you all here this morning.

Just in order to get the proceedings under way, I will introduce the members of the committee that are with us this morning. On my far left is the newest member of the Alberta Legislature, Mr. Barrie Chivers, the MLA for Edmonton-Strathcona; our administrator, John McDonough, is between him and the Hon. Dennis Anderson, the MLA for Calgary-Currie. My name is Stan Schumacher; I represent the Drumheller constituency. On my right is Nancy Betkowski, the MLA for Edmonton-Glenora, and on her right is Sheldon Chumir, the MLA for Calgary-Buffalo. We want to say welcome to all of you. We appreciate your participating in this process to consult Albertans with regard to how they feel about the nature of our country and the place of Alberta in that country as it may develop in the months ahead.

Our first presenter this morning is Sheila Greckol. The committee would invite Sheila to come forward, and we would say good morning and welcome.

MS GRECKOL: Good morning and thank you.

MR. DEPUTY CHAIRMAN: I should say that the general format is that we have 15-minute segments. While we don't have an egg timer like the other committee does, we like to stay as close to that as possible. If presenters want to have dialogue with the committee, they should try to leave a minute or two after their presentation.

Thank you.

MS GRECKOL: I assume someone will ring a bell when my time is up. I tend to go on.

MR. DEPUTY CHAIRMAN: Thank you for warning me.

MS GRECKOL: All right. First, I'd like to thank you for the opportunity to present some thoughts on constitutional issues which I believe should be considered in the next round of constitutional discussions. I intend to touch on two areas this morning. The first is the area of collective rights, and the second is the importance of maintaining a strong federal state as the essence of Canada.

Dealing first with the issue of collective rights. In the past two to three decades in Canada, Parliament and the provincial Legislatures have expressed the will of the people to provide extensive legislative protection to individual rights. Human rights codes have been passed in each provincial jurisdiction and in the federal sector protecting, to a greater or lesser extent by province, against individual discrimination in a broad range of human endeavours. The courts have generously interpreted such protections of individual rights and have thus played an important role in the shaping of the Canadian tradition of a pluralistic and multicultural society. In 1982, as this committee is no doubt very familiar with by now, the Constitution was amended with the enactment of the Charter, and to the joy of some and the fear of others, individual rights and freedoms have again flourished through judicial interpretation, most notably in cases of the state against the individual, otherwise known as the criminal law.

Collective rights, on the other hand, or the freedom to do as a group that which you can do as an individual, have not fared so well. It is my submission that there is neither logical nor moral reason to deny constitutional protection to collective rights. After the Charter was enacted in 1982, several public-sector trade unions from the province of Alberta brought a Charter challenge against this government's legislated prohibition against the right to strike. The argument was that the Charter guarantee of freedom of association meant that conduct which was not prohibited for an individual could not be prohibited for the group. Since it was not and could not be prohibited for an individual to withdraw her services – that would be slavery – the guarantee of freedom of association meant that governments could not prohibit withdrawal of services for the group. Freedom of association meant at minimum the freedom to do in concert that which one is free to do alone; therefore, the right to free collective bargaining including the right to strike was constitutionally protected by the Charter.

The Supreme Court rejected these and other related arguments and narrowly interpreted the guarantee on the premise, among other things, of legislative deference – that is, the province should be making these decisions – and found that at best the Charter protected the mere coming together or trappings of association. As a result, collective rights of members of trade unions and other groups in our society are based on legislative policy, not fundamental constitutional freedom. What could be more fundamental to freedom than the inherent right of a worker to join with coworkers in their refusal to continue to work in an effort to achieve fair terms and conditions of employment? In practice, the denial of this freedom creates a hopelessly imbalanced collective bargaining playing field and breeds frustration and anger and precipitates unlawful activity. History tells us that workers will exercise their freedom to strike regardless of the government's economic agenda.

The absence of a constitutionally protected freedom to strike means that one day this government, should it survive into the next decade, will have to put nurses and social workers in jail for flagrantly disobeying the law, liberated as they now appear to be from the self-image imposed by the patriarchy and certain to go to the wall yet again for the terms and conditions of employment that they believe are their right. Such a fundamental right as free collective bargaining ought not to be left to the vagaries of a particular provincial government but ought to be accorded constitutional status and ought to be brought to the table in the next round of constitutional discussions.

The second area which I wish to talk about this morning is the importance of maintaining a strong federal state as the essence of Canada. My vision of Canada is a united Canada with a strong federal government that yet makes accommodation to meet alternative views of Canada held by other groups of Canadians such as aboriginals and French Canadians. Even as Quebec has vehemently made its case for a much larger share of provincial power, the Premier of this province has made no bones about his view that Quebec can basically have anything it wants so long as Alberta gets the same share of power from the federal government. Mr. Getty does not speak for me nor for any Albertan that cares deeply about the survival of Canada as we know it. Such a parochial determination to grab a larger share of the federal powers that unite this country is, I submit, treacherous to the basic values of Canadians.

Canadians want a national transportation and communications network uniting the country. Canadians want the CBC and Petro-Can and Air Canada and the Canada Post offices, which are the focal point of life in every small community across the country. Canadians want a social services net, a national health care program, unemployment insurance, and the Canada pension plan. Canadian women do not want control of their constitutional right to reproductive freedom subject to the fundamentalist religious views of a Premier Bill Vander Zalm, as we saw in British Columbia. Neither do Albertans want our constitutional right to medical treatment for, say, mental health problems here today and gone tomorrow depending upon the economic priorities of the provincial government. On these important matters we need the leavening of extreme regional views by the election of a national government with very strong powers.

We do not need the national shame that is the way of life in the United States, where abject poverty lives side by side with sumptuous wealth and where there is a patchwork quilt of the provision of basic needs across the country. Rather, we should look towards the enshrinement of a social charter to guarantee equal access across the country to the social services net which has become part of the very fabric of Canadian life. The absence of these guarantees will have a disproportionate impact upon women, who form the large majority of single-parent families in this country and who bear the large portion of the burden of poverty in Canada. We need our historic and cherished Canadian institutions, which the evidence suggests we will not have without a strong central government and without which Canada cannot survive.

Those are my submissions, unless there are any questions.

MR. DEPUTY CHAIRMAN: There will be some questions. Thank you.
Barrie.

MR. CHIVERS: I think I'll let the other members of the committee have a go at Sheila since I'm kind of closely connected with her.

MS GRECKOL: Familiar with my views.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you very much for your presentation. I wonder if we might have a copy. I'm not as familiar with the individual/collective legal arguments, and I'd really appreciate a copy of your submission if that's possible. I've taken notes.

9:11

MS GRECKOL: Sure.

MS BETKOWSKI: My question was with respect to your second point, on a strong federal government. I don't question that. I certainly think we need a strong federal government. I guess my questions to you are twofold. First of all, do you believe in special status for Quebec, which you appear to be arguing for? I don't know if you meant special status for Quebec or equality amongst the provinces with respect to provincial powers.

My second question is with respect to federal standards, which are national standards, which I also think are very important. Yet right now in the health area, which you highlight, the federal government has cut back in health even though they have set the standards. The provinces have no power to say, "Don't do this," other than to say so, and I wonder how you juxtapose those two views.

MS GRECKOL: The first question, with regard to special status for Quebec. I believe that in the negotiating process which will ensue, there are some areas in which, by virtue of the differences of Quebec, the cultural and linguistic differences and the different history of Quebec, there will have to be special accommodations made. For example, in the area of immigration, which has been traditionally a federal power, it may be that a concession has to be made to Quebec because of its unique physiognomy, if you will, in order to ensure that it has the ability to continue to live and exist as it has historically; that is, as a distinct cultural entity. Linguistics would be another obvious point. So within some areas there's obviously room, I believe, for asymmetrical federalism or for particular accommodation to Quebec. Within some of the subject matters which I've covered I believe there is far less room for movement, because if you chip away at national standards in favour of one group of constituents, then the basic premise is gone.

With respect to the health area, what I advocate for the area of health, as well as the other social services, is that national standards continue to be set at least to the extent that they are by the federal government, which brings us to the issue of funding. As the minister well knows, no doubt the issue of funding is very dependent upon the kinds of negotiations that go on generally with regard to the budget and the transfer payments between the provinces and the federal government. But in health, as in any area of social services, the bottom line is: what are the spending priorities of the provincial government, given X amount of dollars from the federal government? You have to decide, it seems to me, as a province whether you're able to negotiate funding to a certain level from the federal government. It may be that you have to supplement that at the provincial level, and then it becomes a question of prioritization within the province. Are you going to, for example, continue on the present course of what I have been known to call corporate welfare or are you going to start to put money into places where it's needed? I've already highlighted, as for example, the very great concern that some people in the community have over mental health services.

MS BETKOWSKI: I guess the only point I'm making is that a national standard doesn't guarantee a national program, as we've seen by cutbacks with the federal resources. What I'm struggling with is not knowing how those moneys are going to come from one year to the next. A breaking of contract: what recourse does a province have with the jurisdiction over health to that federal government for clawing back. I mean, it brings the whole essence of national standards to how do we work it.

MS GRECKOL: Speaking of claw-backs, what happens is the federal government decides that the provinces are not going to get funded to the level that they have. That means that across the country, in theory, there's going to be a lowering of national standards. Then it's a question for the province as to whether or not they're going to elevate those standards again. We know from the recent claw-backs by the provincial government in things like seniors' benefits that people have to make do with the resources they've got and have to priorize within their budgetary framework. Insofar as we're unable to persuade the federal government that its priorities should be health and social services, the provincial governments have to step into the breach, but in any event, we have at minimum standardization across the country. Speaking for myself and I believe a large portion of Albertans, I would far rather throw my lot in with the federal government as it has historically performed than with the vagaries of any particular provincial government, such as what we've seen occur in the province of British Columbia.

MS BETKOWSKI: Okay. Ms Greckol, my only point would be that if we had thrown our hat in with the federal government this year, we would have seen a decrease in health support for Alberta, not a 10 percent increase. Thank you.

MS GRECKOL: I understand that.

MR. DEPUTY CHAIRMAN: Before I recognize Sheldon, the Chair has been remiss in not recognizing a very important person, and that's the MLA for Edmonton-Highlands, who is joining our committee. We want to say we're very happy to have Pam Barrett with us for the remainder of our work this week.

MS BARRETT: I've switched committees, and I apologize for being late. This hotel is in the riding I represent, and I've spent about seven or eight minutes on the third floor looking for everybody. I guess I have to spend more time in the Hilton, but glad to be with this committee. Thanks.

MR. DEPUTY CHAIRMAN: Well, it's nice to have you with us, Pam.

Sheldon.

MR. CHUMIR: Thank you very, Sheila. I'd like to just explore a little bit with you the issue of collective rights, because as you noted, our society traditionally and through the Charter has focused on individual rights. As you know, from time to time collective rights can come into collision with individual rights. The most pertinent recent example would be the issue of the distinct society clause in the Meech Lake accord, which was strongly opposed by many groups on the basis that that would give to Quebec the power to legislate in respect of their language and cultural aspirations, perhaps at the expense of women's rights with respect to reproduction, possibly the English-Canadian language rights. What I would like to know is: are you placing a special claim on collective rights in the field of labour, or are you arguing for more focus on collective rights generally? How do you deal with the collision issue; which do you give priority to when they collide with individual rights?

MS GRECKOL: You're probably more familiar with the constitutional drafting work than I am, but obviously I would believe in a so-called freedom of association – defined differently of course, because that failed us in the Supreme Court of Canada – which would be general in nature and would have of course as one of the groups to which it would apply the trade union movement.

In relation to the collision of individual rights and group rights, it's sort of been a case-by-case kind of scenario, and the defence provisions in the Charter, as in human rights legislation, would come to play in terms of protecting the rights of individuals when the rights of the group are in danger of overriding those individual rights. I'm trying to think of a specific example that might more clearly enable me to answer your question.

When we speak of trade union rights and free collective bargaining, if, for example, the right to free collective bargaining and the right to strike in the hospital industry was one of the issues on the one hand and on the other hand was the right of the individual to have health care services, there would be a collision of rights. If it was amenable to Charter treatment, which of course it isn't, then there would be a balancing by the judiciary as to which right ought to prevail and which right ought to be constitutionally protected in the final analysis. It's not been an issue in our history of collective action in this province, because in fact each time there's been a strike in the hospital industry, ironically mortality declines because of fewer numbers of people in the hospitals and so on. It hasn't proven to be a problem through a history of – I lose count, but I think five – nurses' strikes. I'm struggling to find an example that might actually answer your question, but that's perhaps as close as I can come.

MR. DEPUTY CHAIRMAN: Our time has expired, but Dennis has twisted the Chair's arm. Briefly, please.

MS GRECKOL: I warned you that this might happen.

MR. ANDERSON: Thank you, Mr. Chairman. Sheila, just a quick follow-up on Nancy's questions. I'm finding some incongruity in having the federal government establish the standards but not having responsibility for the payment, taking the money out of the province via the tax system yet not giving the resources back. Is there not a better or more efficient way of dealing with that: having provinces collectively establish standards, required to do so maybe by the Constitution, and therefore still having their taxing ability to carry out those standards? I just don't know how you give the responsibility to one and the requirement to carry it out to the other without the ability to meet those needs financially.

9:21

MS GRECKOL: Historically, as we know, the federal government has established the standards, for example, in health care and through transfer payments has been paying the lion's share of them. If the level of standards – I think I tried to make this point previously – is to diminish because of lack of resources from the federal government, then I suggest at some point, if in fact the provincial government doesn't march in and start to fund and make up for the imbalance, we're going to have the response from the people across the country, "Hey, we want to elevate those standards." I don't see an incongruity there. I think there can be a synthesis between what the federal government provides and what the provincial government is prepared to top up. If the people are not happy with the minimum level of standards nationally, then there's going to be a reaction at the election.

Your suggestion to have the provinces collectively establish standards – sir, I point you to the Meech Lake debates and rest my case. The ability of the diverse regional parties to have the government and various provinces across the country come together and actually agree on what everyone across the country should have I suggest is not a possibility. I mean, how will you have somebody like Bob Rae, responsible for the government in Ontario and having a certain position on health care and women's rights in that province, meeting the mind of a Bill

Vander Zalm from British Columbia? I suggest it's not a possibility, whereas when you have the entire country casting ballots, electing a government that goes to Ottawa, you have a necessary leavening of those extreme views and have what we've had in this area, I think rather successfully, over the last large number of years in the provision of social services.

MR. ANDERSON: I just say it's easy to have a leavening of views if you don't have to attach the dollars to them and can take them from others at will.

MR. DEPUTY CHAIRMAN: This has stimulated another question. Pam, briefly.

MS BARRETT: Thanks. It will be short. Do I understand correctly, then, that what you're saying is that a social charter in the Constitution would have the highest assurance of funding for the programs you call for as opposed to a policy set by either federal or provincial governments?

MS GRECKOL: Yes, that's what I'm advocating, that a social charter which guarantees these basic necessities be provided to Canadians, be elevated to the level of a constitutional guarantee.

MS BARRETT: That means, then, that the obligation of the government is financial as well as lip service. Is that what you're getting at?

MS GRECKOL: I would so argue.

MS BARRETT: Okay. Thanks.

MR. DEPUTY CHAIRMAN: Thank you very much.

Our next presenter is Marie Gordon. I invite Marie to come forward, please. Good morning. Welcome.

MS BETKOWSKI: I'm just looking at the other name on the other side of your card. You would think we'd have . . .

MR. DEPUTY CHAIRMAN: We're running out of material.

MS GORDON: Eleanor Kelly. Is she a movie star or something?

MR. DEPUTY CHAIRMAN: No, she's from Red Deer.

MS GORDON: Thank you, Mr. Chairman. Like Sheila, I'll try and watch my time. I'm here as an individual to present some of my personal views on constitutional reform, keeping in mind that my perspective today and the points I'd like to raise have to do with women's concerns. I'm an active member of the Women's Legal Education and Action Fund, the National Action Committee on the Status of Women, and the National Association of Women and the Law.

As I thought about my submission to this committee, I took a look at the discussion paper from the Constitutional Reform Task Force of Alberta. I found it amazing that nowhere in that discussion paper was any space devoted specifically to the concerns of women in the constitutional reform process, and I feel the need to speak about that because it's something dear to me. In the Meech Lake process, it was in fact prominent women's groups who spoke loudly about ensuring that constitutional changes have a positive or, at the very least, not a negative impact on the gains women have made over the years in Canadian legal history. I think Ann McLellan in her information paper done for the advisory council points out some reasons why we're concerned about women's interests in constitutional reform. Firstly, we as a gender continue to receive less money for the work we do across the country, we continue to be the primary care givers to our children, we are still subjected to the risk of widespread sexual abuse and violence, and our voices are still not heard in the corridors of power.

I want to address three basic issues. First is my concern about rights in the Canadian Charter of Rights and Freedoms and how constitutional reform might alter that; secondly, to talk about some concerns about decentralization; and thirdly, to talk about my feeling for a need for some guarantee of full participation of women in the political process.

Women really have only recently achieved constitutional gains and recognition, the hard-fought rights contained in sections 15 and 28 of the Charter. Those hard-won rights are very precious to us women, because it was through the efforts of many women's groups and organizations such as LEAF and other equality-seeking groups that the Canadian courts extended a broad and liberal interpretation to the gender equality sections of the Charter. The decision in the Law Society of B.C. versus Andrews, in which LEAF had a very prominent intervenor role, made it clear that our courts are going to use the Charter as a positive and progressive tool to ameliorate the situation of historically disadvantaged groups.

The fact that constitutional reform may involve changes to the rights guaranteed to us in the Charter I think concerns all of us. There have been discussions since 1982 about, for example, the possibility of entrenching property rights in the Constitution. Women traditionally have never been property owners, and their interests are neither enhanced nor protected through this proposed amendment. It's taken years for women to achieve rights under matrimonial property legislation to ownership of property. We're concerned that entrenchment of property rights does nothing to further women's rights and in fact might be invoked to challenge women's claims to property in common-law unions and marriages, challenges to real property, to pension and other benefits on marriage breakdown, and this says nothing about the possible impact of the entrenchment of property rights on environmental protection issues, for example. As Ann McLellan has said in her paper, the entrenchment of property rights would indeed disproportionately benefit men, who today are still the owners of most property.

Similarly, I strongly oppose the entrenchment of any fetal rights in the Constitution, however unlikely that possibility may be in the wake of numerous court cases in Canada. Women themselves have only recently achieved constitutional rights to equality, and the idea of limiting a woman's rights over her own body and potentially extending constitutionally protected rights to the fetus would invite a plethora of litigation initiated by strangers challenging women's reproductive autonomy, something women still have to fight for in reality as a full human right.

There are rights that I strongly believe should be extended. Canadians were promised years ago by then Justice Minister John Crosbie that the federal government would add sexual preference as an enumerated ground of prohibited discrimination under section 15 of the Charter. Given some of the flagrant incidents of discrimination on the basis of sexual orientation that we've recently seen, the government should live up to its promise to ensure that this ground is included in the Charter forthwith.

If the Charter is to be reformed and improved, then perhaps the rights most desperately in need of recognition and protection are rights of Canadians to proper health care and education:

economic protection of single parents, for example, most of whom are women, universal child care, housing, and possibly the right to an annual guaranteed income. This might be achieved through the adoption of a social charter, an innovation that would do a number of things. Firstly, it would give us a guarantee that decentralization of programs and services would not reduce our basic entitlement to them; and secondly, if it included a right to a guaranteed minimum income, it might force provincial and federal governments to escape, to get out of the web of incomplete and overlapping social welfare programs.

Secondly, I'd like to talk about decentralization. I think women have more to fear than anyone from decentralization, from a wholesale decentralization of powers. I'm not arguing against decentralization of powers in some areas. Please understand that's too simplistic an argument. I understand we are restructuring the division of powers, and that is inevitable. But I'd like to tell you that we really do have concerns based on the historical experience of women, who have not necessarily been able to look to any specific government for protection but on average have looked to federal and national governments for assurance of some standards to take us out of the precarious reliance upon parochial, regional, individual, local entitlements or positions of governments.

9:31

The current constitutional discussion really hinges on how much decentralization will take place and not whether decentralization of powers is a good idea. Women have always looked to strong central powers in the areas of health and welfare spending policy as well as, for example, uniform divorce laws. It's crucial that we have continued jurisdiction in that area, that doesn't devolve to the provinces. Women, who are primary caretakers, have been promised – Canadians, not just women – a national day care program from the federal government, and while we may despair of this government's intention to follow through with that promise, we don't doubt that our national interests are best served by a central focus on any such program rather than simply a local, regional, parochial jurisdiction. We have been subjected to the threat of deinsuring of certain medical services which most clearly impact on us as women: provision of birth control information, sterilization, IUD insertion, et cetera. B.C. women saw their provincial government attempt to deinsure abortion services, and it was only the risk that the proposed legislation would disqualify the provincial medical care scheme from federal funding which resulted in the court decision striking down the proposed legislation. I abhor the notion of eroding or weakening in any fashion the medicare system that we as Canadians have developed, and I believe the wholesale devolution of jurisdiction in this area to the provinces will spell the end to a cherished system of health care that still serves us well and which women depend upon for their own reproductive health care as well as the care of their children.

At the time of the Meech Lake accord many women expressed concern about the possible effects of the accord, which intended to place limitations on federal spending power. Their concerns focused on those proposals which would have permitted provincial governments to opt out of national shared-cost programs if they carried on a program or initiative that was compatible with national objectives. We still have concerns – I still have concerns – about the lack of federal government power to curb unacceptable provincial variations in coverage and accessibility. At the very least, we need to ensure that the vague wording of national objectives, as it was then referred to in the Meech Lake accord, is replaced with something meaningful like national standards to be set and enforced by the federal government. Future cost-shared programming arrangements between the provincial and federal governments should embrace the principles in the Canada Health Act: universality, access, comprehensiveness, accountability, portability, and public administration.

Thirdly, it occurs to me and many of us that to date the voices of women have been sadly lacking in the political process as well as in the courts. It's only been a recent development that women's voices have been heard, and those are voices that speak to the unique experiences and perceptions of women in Canadian society. So in any constitutional reforms, I feel as much attention should be paid to women's grievances about underrepresentation in the process as is paid to concerns about regional underrepresentation. Much time will be spent by this committee – and already has, I'm sure – addressing and listening to concerns of those who feel the west has suffered regional discrimination. Imagine how that sounds to those of us who form 52 percent of the population but in this era of full equality hold only 13 percent of the seats in the federal Parliament, 12 percent of the seats in the Senate, 15 percent of the seats in the Alberta Legislature, and we have three members, 33 percent, sitting on the Supreme Court of Canada. It still isn't enough. So I think any constitutional reforms aimed at improving representation of the population in federal institutions should at the very least ensure that women comprise one-half of those sitting in the Senate, in provincial Legislatures, in Parliament, and in the courts.

I've really only addressed three areas this morning, and I know there are more. I'd like to summarize by saying that I believe all constitutional amendments have the potential of profoundly affecting women's lives. In 1867 the Fathers of Confederation shaped the Constitution. It's no wonder women weren't at that table. We were then denied the right to vote, to hold public office, or to enter professional occupations. In 1929 the federal government opposed the court application by the Famous Five to be considered persons under the BNA Act and forced women to seek redress from the Privy Council, and in 1982 the first ministers failed to ensure that equality guarantees for women were included in the constitutional reform package. It was only after intensive lobbying by concerned women's groups that section 28 of the Charter was achieved, preventing the use of the override clause on gender equality rights.

Frankly, most arguments in the courts for equality for women are met by resistance from governments, so it's no wonder women remain vigilant about their hard-won rights and are concerned about the impact of constitutional arrangements that might impair government services or programs they so clearly rely upon and which sometimes are the only things that ameliorate their disadvantaged status. I hope when this committee makes its recommendations, it will be ensuring that the concerns of women are given prominence as well as thorough consideration.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Marie. Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. Marie, over the week we've heard many submissions with respect to the relative merits of constitutional entrenchment of fundamental rights and freedoms as perhaps juxtaposed with the ordinary statute sort of formula, such as a bill of rights provincially and federally and even, on one or two occasions, the suggestion that we should have an unwritten Constitution. I'm just wondering what your views are as to the relative merits of constitutional entrenchment as distinct from one of those other forms.

MS GORDON: Well, I'm just a poor old divorce lawyer; I'm not a constitutional lawyer. But something has educated me since 1985 about the need for clearly entrenched rights that I didn't understand before. I think it has to do with what I have seen happening in the courts through various challenges, through constitutional cases that have had a profound impact upon the actions of government, upon deterring governments from introducing legislation that would offend those guaranteed rights in section 15. I think it's really had a profound impact on all of us. LEAF, for example, has been involved in court cases that have meant a great deal to legal precedents. The fact that things cannot be given and then taken away, that there is a building up, an understanding of how rights are defined, is crucial to our identity as women and the equality guarantees.

So I feel so strongly, having seen the progress of litigation under the Charter since 1985, which has been a mixed blessing. I mean, in many ways the Charter has been used against women as much as for women, so it has not entirely been a blessing for women. But on the whole I am really devoted to the idea of entrenchment of certain rights, away from the vagaries of Legislatures coming and going.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: We have time for one more question.

Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. As usual, there are a number of areas I'd like to explore, but in particular the suggestion that we somehow guarantee a percentage of women or presumably men in Parliaments or Legislatures. How would one accomplish that without taking away the right of women and men to vote for whom they want where they want? Would my constituency be required to elect a woman or a man? Would we split those in half? How could that be accomplished?

MS GORDON: I wish, Mr. Anderson, I had some easy answers to that, because the process of arriving at fair representation in the workplace as well as in the Legislature has been a difficult one. I think the same tests and the same use of creative thoughts that can come to bear on how we ameliorate regional underrepresentation should be used to improve the representation of women, so if the constitutional reformers are saying we must find a way to ensure that people in rural Alberta have a strong voice, we must also in that same process say that we must not forget that women are really underrepresented. How can we creatively say that? I mean, we just passed a law saying that by the year 2000 half of the people on the Supreme Court of Canada will be women. Now, that's easy to do and can be done. We should ensure that national women's groups have a say, have some input on, for example, the appointment the same way the Canadian Bar Association does, for example. In the Senate we may simply have to work on creative alternatives.

I don't have any easy answers. But I really find that we have sat back complacently and allowed this situation of 10 to 15 percent representation to exist, and haven't either as a federal government – the federal government hasn't, for example, given any initiatives, any financial offerings to encourage women to seek public office, which is often a real deterrent for many women who don't have access to the corridors of power and the usual bag money available either to seek nominations or to win nominations. I think there just has to be some creative thought happening on this and a commitment. First and foremost, a commitment; the mechanisms will work out. We've got lots of people who can sit down and brainstorm on it, but there has to be a commitment to make this a reality and to believe that that's something that is worth while for us as a country.

9:41

MR. ANDERSON: Would you extend that to other parts of our society who feel they should have representation? I think of the aboriginal people, particularly.

MS GORDON: Yes, I do, indeed. I think that's extremely important. It's not going to happen if we don't make it a commitment. It's simply not going to become a reality, and it's so important that it is now, not when we're all dead and gone, but rather now.

MR. DEPUTY CHAIRMAN: Thank you very much, Marie.

MS GORDON: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter will be Dennis Herbert.

Good morning.

MR. HERBERT: Good morning.

MR. DEPUTY CHAIRMAN: Welcome.

MR. HERBERT: Mr. Chairman, members of the committee, ladies and gentlemen, I'd like to outline some proposals to you to amend our Constitution and ensure that there are equal rights and responsibilities for Canadian citizens regardless of sex. I'd like to cover some of the ramifications of the very basic proposals which were mooted at Meech Lake, and I would also like to suggest to you right now that the proposals mooted at Meech Lake were not to amend any Constitution. The British North America Act was not a Constitution. It was an enactment to bring together a rather large area of a country: a political union, solely. I will come back to that in a few moments.

We've listened to some very grand proposals that have been made to enhance provincial governments' powers, but in all of these proposals there has not been anything about the rights of individual Canadian citizens. The Meech Lake proposal was defeated for that very simple reason. It went against the rights and the wishes of Canadian citizens. I would like to suggest to you that we certainly do not need another fiasco like Meech Lake.

I'd like to start, first of all, with the definition of a Constitution. A Constitution is a set of rules, a set of governances, a basic group of principles or laws under which a state, an organization, is organized. It outlines the rights, the responsibilities, and the limitations of those people who subscribe to that Constitution. Now please note: the rights, responsibilities, and limitations of the people who subscribe to it. I'm not talking about governments; I'm talking about the individuals. It also means there are equal rights and equal limitations for all, for every person under it. They are exactly the same across the board. That is why I suggest to you that we are not trying to amend a Constitution by trying to amend the British North America Act. We have never had a Constitution.

Our present Constitution, what people have misnamed the British North America Act, did not deal with human rights. We have had enactments, and people have misconstrued the British North America Act and human rights legislation. I think, perchance, you might notice that in discussing Meech Lake and the proposed Constitution, we have totally ignored the rights of Canadian citizens. This is one of our very real difficulties because what it has afforded is a different interpretation in every province in Canada of any federal statutes which apply across Canada. Federal statutes apply to all citizens across our country, and they have been ignored, canceled, and so on. Provinces can use the notwithstanding clause, the opting out clause, to get out of federal legislation. Well, then, where do we have equal human rights for Canadian citizens across our country? We're denying human rights.

There's one other very insidious little point: we are now well on our way towards anarchy, to provincial autocracy across the board, because there is no common standard for our country. The opting out clause allows for all kinds of discrimination because there is nothing there that says provincial governments have to conform not only to the letter but to the meaning and intent of federal legislation. It allows them to do, as they say today, their own thing. It allows them to use their own population for whatever wishes they have, to override any rights the minorities have. It discriminates against a whole population, not just certain segments of it but the basic population of that particular province. It does not afford the same treatment. It allows for a multiplicity of rules and regulations and laws that vary from province to province. When we come to try and promote interprovincial economies, how do we do it? Last night on television the four maritime Premiers were just citing that they were going to try and break down their economy into a maritime economy rather than having the provincial barriers. But if we have an opting out clause, any attempt made by any central government is destroyed immediately.

Grants in lieu as an alternative. They are not an alternative, because grants in lieu allow provincial governments to do their own thing. We do not have the common rights across the board for all the citizens of our country. The grants would be administered by the province, and we have just listened to two speakers who have sort of re-emphasized that particular point: that we now have a provincial autocracy taking over rather than across the board.

The notwithstanding clause. That makes an absolute, complete mockery out of any human rights this country has, a complete mockery. How can you overturn the highest court of the land and go your own way? There is no way that we can administer anything under those circumstances. It means that each province is a law unto itself. It is not acceptable in a Constitution, which is a set of laws or governances which apply equally across the board to all citizens. The Supreme Court of Canada has now become a nonentity. Whether we have half of the members women or whether we have them all women, they have no power anymore because any province can say no. How do we control our situation? We can't. Laws now become the whim of whichever autocrat happens to rule in any particular province.

The three things – the opting out, payments in lieu, the notwithstanding clause – deny any human rights legislation. Citizens are now unequal before the law and will become even more so because we cannot have the Constitution of Canada invoked anymore. It just doesn't work out that way.

9:51

No province should ever have the power of veto under any circumstances because what it tells me right now, the moment somebody mentions that particular word, is that you have your own hidden agenda. What is it you want to achieve? And you are afraid that you are going to lose your power. That's what the veto is. It's not for the good of anybody, but it is to gain control, and we have seen this operate so often all around the world. The veto just doesn't work. If we have a veto, then who controls the Canadian Constitution? It is not the individuals who are meeting to determine the Constitution. It is the individual who uses that particular veto. This is our problem. It discriminates against all the citizens of Canada, including the province in which the veto was instituted. So we lose out all the way around. It allows politics to enter into the consitutional rights of the individual citizen, and it abrogates the rights of all our citizens. Vetoes have never helped resolve anything. All they have done is to build up and ensure the rancour of the individuals and to delay any possible solution. It is not a useful mechanism under any circumstances.

The Supreme Court of Canada must be the final arbiter. There is no alternative. There are always going to be cases, litigation of all kinds, but somebody has to determine the limits, and it is the Supreme Court of Canada, which means the highest level within the country. If its rendered decisions can be brushed aside with a notwithstanding clause, then what's the use of it? It is just no use at all. There are going to be disagreements, but there still has to be conformity. In fact, my wife and I disagree quite often, but we've managed for 46 years to stay together, so I don't see why we can't have the same thing in our country here.

Without adherence to the judgments of the Supreme Court we have provincial autocracy. They are the people who are the controlling influences. The rule of law has now disappeared because the law is no longer applicable. Any relationships are gone right now, and the problem is, of course, that we're going to have dictatorships built up.

Equal rights are not possible under the dissolution of the powers of the Supreme Court of Canada. We need them to control federal statutes, provincial laws, and municipal laws. There has to be a limit somewhere, and this is the only place there is, but there has to be conformity whether we like the judgment rendered or not. We need them to establish precedents of laws. Which law does have priority? Which one is going to rule? The laws which affect all of the citizens of Canada cannot be made in the province of Alberta nor in the city of Edmonton. They can only be made in the House of Commons, and it is up to the Supreme Court to ensure that those laws which affect all people do and to make sure that those laws of the province of Alberta do not contravene federal statutes. It must be done to protect the rights of Canadian citizens, all the people of our country.

One of the things which has been most disruptive has been this idea of a distinct society. I would suggest to you that there are only two distinct societies in our country, the Inuit and the Indian people. The French, the English, the Ukrainians, the Russians are distinct in that their ethnic backgrounds are different, but the French Canadians are no more distinct than I am. We don't have a distinct society. In fact, it's quite a common society. It is only the Inuit and Eskimo peoples who are distinct societies. But – there's also another big "but" here – it does not mean that because somebody is a distinct society they can live outside the norms, the laws of Canada. Not by any stretch of the imagination am I inferring that. If they are citizens of Canada, they must conform to the laws and accept the responsibilities of being citizens of Canada.

All our ethnic peoples, as I said, are not distinct societies. This is one of the problems. It was mentioned a few moments ago: how can we recognize distinct societies? The only way is the fact that they are particularly distinct. The rest of them have exactly the same laws, exactly the same privileges, exactly the same responsibilities as any other. This is one of the confusing things to me. On one hand, we have people claiming they are subject to discrimination, and five minutes later they want to be recognized as a distinct ethnic group. I'm sorry, but if you are a Canadian, you are a Canadian. What your forebears were has no influence. You are a Canadian citizen and as such responsible to Canada and nowhere else. It seems to be hard to get people to understand this idea. I don't quite know why, but they don't seem to want to accept the responsibilities of conformity to the laws of Canada, and this is one of our very real problems in trying to develop a new Constitution. We can't take the British North America Act and summarily change it and say, "This is the Canadian Constitution." We've got to redraft a whole set of laws, of ordinances, of governances.

Regional disparity has been discussed at length. One of the things we've got to recognize is that there's always regional disparity. There always seems to be regional disparity in the smallest country we have in this world. It's there. We can't do anything about it. We've got to learn to live with it. Some of the provinces have been gifted with ample natural resources, others without. Okay; this is regional disparity. It's predestined, but we can't do a thing about it. But we can still live within the laws of the country despite the fact that there is this economic disparity. It doesn't change anything at all. The laws are still there. People are still going to get along, but if we don't have these rights and responsibilities written into some kind of Constitution, unfortunately we are going to lose out.

MR. DEPUTY CHAIRMAN: Dennis, I don't like to interrupt, but we've gone past the time, and I would like to give you the opportunity to briefly make your points. If you could summarize them quickly, please.

MR. HERBERT: Right.

First of all, the British North America Act is not a Constitution, never was. What we have to do is write a Constitution which guarantees the rights of all Canadian citizens.

MR. DEPUTY CHAIRMAN: Now, Dennis, I thought you had some new points you hadn't made. I don't want you to summarize the points you've already made. If you could use this time to summarize the points that have not been made yet.

MR. HERBERT: First of all, provincial governments should be interested only in the administration of the federal and provincial enactments. Provincial governments have rather limitedly demonstrated an interest in the rights and responsibilities of people. No province should have the right of control over any interprovincial or international matters. That is the area of concern of the federal government of Canada, not provincial governments. The federal government speaks for Canada.

10:01

Finally, Mr. Chairman, one thing that I think we have to do to overcome the distrust which unfortunately has been built up in all our political systems in our country: we have to have a referendum on a new Constitution to the people, because people do not trust politicians anymore. I'm afraid that this is a very common denominator in our country today. It must be a referendum. In that referendum there should be a paragraph, if you like, on how we elect our Senate. Our Senate should be elected on the basis of equal representation, and I do not mean pro rata; I mean equal numbers by each province in our country. If it's two, it's two for every province regardless of size. But please, Mr. Chairman, it must be the voice of the people who accept the Constitution, not our politicians.

Thank you, sir.

MR. DEPUTY CHAIRMAN: Thank you very much for a very thoughtful, stimulating, and provocative presentation. It's too bad that we don't have time to pursue it further.

MR. HERBERT: That's fine, sir. Thank you.

MR. DEPUTY CHAIRMAN: Larry Putnam, please. Welcome. Good morning.

MR. PUTNAM: Do you want to take a coffee break now?

MR. DEPUTY CHAIRMAN: No, we probably will not be having a coffee break.

MR. PUTNAM: You haven't had one yet?

MR. DEPUTY CHAIRMAN: No.

MS BETKOWSKI: We just sort of slip out and fill our cups.

MR. PUTNAM: Well, good morning. Just give me a minute to get organized here. I will try and charge through this. I know what it's like to sit through these types of things.

MR. DEPUTY CHAIRMAN: Well, that's not the problem. We do want to try to give everybody who wants to have a chance a chance to exercise it.

MR. PUTNAM: Actually, I appreciate that. I think it's vitally important in this particular area that you get as much input from the citizens of this province as possible.

Anyway, my name is Larry Putnam, and I was born and raised in this province. I've had the opportunity with the work that I do to travel outside this province. Actually, I've had job offers outside this province, and I've turned them down. I believe in this province, and I believe in the people in this province. I just wanted to give you a basis of where I'm coming from here. I would also like to mention that I do not belong to any political organization or political party. I come today as a private citizen. I think that's important, because I see on the agenda that there are people here who are representing special-interest groups. That's fine, but they're really pushing, in my opinion, a hidden agenda. You have to look through their presentations and try and see what they're trying to get at. I have no hidden agenda here. What you see in front of you is exactly what I have to say. I'm not here promoting one particular issue or one particular – well, I am, and we'll get to that in a minute.

It's also the first time that I've ever come out in public, other than small groups of friends sitting around various cocktails discussing things. I just want to make that clear, because I am taking the time to come out here to let you people know what I feel about this process that we're going through here.

I think the major problem with the Canadian Constitution is that it has become a political matter. The Constitution of Canada, or for that matter any Constitution of any country, is merely a piece of paper with letters written on it. What makes any Constitution a great document is that the people of the country have to believe in it. They have to buy into this thing. They have to stand behind it. I remember watching on TV the formal signing of the Constitution, and I thought: wow, what a great thing; now we have this proverbial stick in the ground with which to measure ourselves. I actually wrote away and got a copy of it. I read it, and I thought: here we are, all this eloquent speaking. It always has amazed me how people can turn English into bafflegab, but that's another issue.

MR. DEPUTY CHAIRMAN: Our Minister of Consumer and Corporate Affairs certainly agrees with you. He has an unending battle for the cause of plain English.

MR. PUTNAM: Well, you get my vote, even if you're not in my constituency.

But after I read it, I said: well, this thing's got flaws; it's not a perfect document. I was actually quite depressed for a while. So I went back. I sat down and read it again, and I said: well, that's right; it shouldn't be a perfect document. It should be something that we can now build. We can take this document – call it a modified BNA Act, I don't care – and now we can make it a Canadian entity. We can truly make it a Canadian document, for the Constitution is not something that just sits there and lies there like a dead piece of paper; it's a living, breathing organism. I mean, we saw the Meech Lake fiasco. That was an attempt to modify the Constitution, and look how alive that was. It was every night on TV, for crying out loud.

Again I watched in horror. I was totally shocked when I saw the process that it went through when the Meech Lake accord was ratified by this province. I was stunned. That really for me started the downfall of this trust with our politicians. Here we had the Canadian Constitution lying there, and these people all of a sudden took it upon themselves to modify it. Not only that; they went ahead and they ratified it. They didn't even ask me. I firmly believe that somewhere along the path the politicians have taken it upon themselves to become nation builders. I hate to say it – what I'm saying? I hate to say this. I firmly believe that the politicians who run the province were elected to run the province. They were elected to build the damn roads. They were elected to run the schools. They were elected to run the health care systems. They weren't elected to build the country. It's not the Sir John A. Macdonalds or the Pierre Elliott Trudeaus, both great men in their time, but it's the citizens of this country, the people who came to this country, the people who grew up in this country, that make this country what it is.

I am sick and tired of politicians telling me what great leaders they are, how they single-handedly worked out a great deal for us, and how they are doing such wonderful things with our money. I don't need to be led, ladies and gentlemen. If anything, I am the leader electing the politicians and the people to run and administer this country. It's the people of this country who lead, not the Premiers and the Prime Ministers of this country, because we can turf these people out four years from now. It amazes me that people become politicians. At least I know how long my job's going to last. You guys are, you know, like, screw it up and you're out next week, kind of thing.

The politicians who are elected are hired. Really, if you look at it, you're elected, but you're also hired by the people for a period of time to run the country or the province or the municipality. That period of time in some instances is very short. The Constitution of a country must and will outlast all of the politicians. Therefore, it stands to reason that the only way a Constitution should be changed is through the people of the country. After all, we were smart enough to elect the politicians; surely we are smart to know what is good for us.

The federal government. My position on the federal government is that there should be one strong voice for Canada, not 10 separate ones. Having said that, I believe that the federal government's role is to set policy and direction for this country and set up guidelines with which to administer those directions and policies. Medicare is a prime example of that. The federal government says, "This is the bottom line; here's the funding you shall provide, and if you don't, we will take away your funding." We saw that in B.C. where a political individual tried to force his own moral views on the entire population. I mean, that's just ludicrous. Thank God that sanity walked in, and they backed away from that. If we don't have these types of federal minimum levels, I can envision a time when people in the poorer provinces would flock to Alberta because we can afford doctors and they can't, or we can afford educators and they can't. That's fine. I happen to think that this is a wonderful province. I happen to think it's full enough, by the way.

10:11

The Senate. The Senate defies description. I cannot personally think of a better job. I mean, where does one find a job that pays great and requires that you don't have to show up for work? It was the job of the Senate to provide that sober last look at a piece of legislation, and the problem is that the Senate has become a last watering hole for who knows whom. We have to do something about the Senate. I am and was in favour of a triple E Senate. The problem I have is with equality. We had a lady here earlier telling us that equality was, in fact, that 52 percent of the Senators be female. Well, that's her definition of equality; that's fine.

I happen to believe that I would like to see an elected Senate. I would like to see a nonpartisan Senate. In other words, I think anybody should be able to run for this job. I don't think you should have to be a political group or party to get elected to it. I think that if we could get a nonpartisan and elected Senate, the equality would disappear. I am tired of the "leaders" of a political party standing up in front of their side of the House and saying, "We're voting against this Bill, even if . . ." or "We are voting for this Bill." The GST is a prime example of that. I attended several luncheons with my Member of Parliament, and he stood right up and said: "I'm going to vote for this Bill because it's good for Canada." One of the people in the back of the house said: "Who the hell is sitting in here? Americans?" We were Canadians telling this guy not to vote for it. We elected him, but he didn't represent us at all. So if we could get that nonpartisan issue away, I believe that the equality issue – because then it becomes a job of internally convincing you to vote for my Bill and I will vote for your Bill, et cetera, et cetera. I believe you get these little inner workings happening; that's how I envision the Senate. We've got to do something with it, and elected and nonpartisan is at least a step.

I also happen to believe that the relationship between the two levels of government must be redefined. I'm not naive enough to think that we're going to keep the Canadian levels the way they were. I happen to think that there is an evolutionary process going on, and I think that that's what's happening today. There must be more consultation between these levels of government. We can't have one government going off and doing one thing, and the next thing you know the province of Alberta is setting up a trade representative in Hong Kong. Provincial governments are all doing this and the federal government is doing this, and then we've got 10 little offices all promoting their own little things. This just doesn't make sense to me.

I believe there should be annual, fixed-date – November 1, December 1, whatever it is – first ministers' meetings. I believe that these should be public. The reason I say they should be public is because then the people of this country get an opportunity to understand and see the opinions of the political Legislatures of those provinces on the topic at hand as opposed to this backroom dealing we always hear about and see. Then I in Alberta can see what the Premier in Nova Scotia thinks about a particular topic – aboriginal rights, for example – because everybody has a different view and everybody brings something different to the table. While it may look like a big political rally, I think it's important that we get these annual, that we get them public, so that the people can see. For all intents and purposes I should be allowed to put something on the agenda and go talk to these people about it.

I happen to believe that the areas of administration must be more clearly defined. Where do the government's areas of responsibility start, or more importantly, where do they stop? This definition would then apply to all provinces. No one province would be able to negotiate or demand preferential treatment. We should not be able to say, "We are going to control immigration in our particular area; the rest of the country can go do their own thing." Either the definitions apply to all or they apply to none. If a change is to be made to those definitions of areas of administration and responsibility, then it has to be voted on. It has to be unanimous with all 10 provinces, and then it applies to all 10 provinces. So if the province of Quebec wants to control their immigration, then they propose that change to the definitions of administration, and all of the other nine provinces say, "Fine, we'll look after our own immigration policy," done deal. But if two of them say no, then that's it; it doesn't go. Maybe it doesn't sound like a democratic solution, but it's important that the equality stay here. We can't have the federal government being one thing to one province and another thing to another province.

Aboriginal rights. I happen to believe that every person within this country has the right to be treated like a human being by all levels of government, and it is my belief that we have done a very poor job of this where the native people are concerned. It has always been my belief that when a person goes on welfare, then their children go on welfare and their grandchildren go on welfare, and the cycle is difficult if not impossible to break. But if a person has a feeling of self-worth, has the feeling of contributing, then that good will be conveyed to the children. For too long the levels of government have treated the native people like they were on welfare: told them what to do, how to do it. That cycle has got to end. So end it. It's a simple thing. I was listening on the radio coming in that the federal government forced the Kanesatake in Oka to hold a plebiscite to decide how the native people in Oka were to decide who were going to be their leaders. That's like me sitting down in front of your family and saying, "Okay, guys; this is how you're going to elect the head of the family." Well, it just doesn't work that way. Okay?

I want you to settle their land claims, and settle them now. What has gone on with the Lubicon is ridiculous. Consider it a done deal, and walk away. Hand them their land; hand them their title. If they throw it on the ground and say they want more, tough. It's theirs. But settle it. Disband the Indian affairs bureaucracy, and do it today. Get rid of these people. I don't mean transfer them into somebody else's department. Get rid of them. I can't imagine a more inane or more wasted bunch of money than the Indian affairs bureaucracy. All these people do, as little as I can figure out, is hand cheques out. One person can sign a cheque. The computer prints them. You've got a whole bureaucracy sitting there.

The only stipulation I would place is that the native people have to become full and equal citizens of this country. If they want to say they have dual citizenship, if they want to say they're Canadian and Mohawk, I don't have a problem with that. But they've got to become equal, full-fledged members of this community. That also means there'll be no more government money. That's it, guys. I don't get it; they shouldn't. I also am prepared to agree to or negotiate some level of autonomy. I happen to see something like a municipality sitting out there where they could actually hire their own police force. I think there's a major cultural change here. We can't – and we've seen it – enforce our "white man's laws" on these people. They just don't understand it, for some reason. I don't pretend to understand why they don't understand it; it just seems not to work.

The Charter of Rights and Freedoms I happen to think is a wonderful piece of legislation. For the first time in our history we have a clear outline of where an individual's rights and freedoms are, but more importantly, we have a guideline for officials of the government. Governments can no longer tread like some huge elephant on an individual's rights. Each piece of legislation must conform to the Bill or it will be struck down by the courts. You have to have this guideline with which to pass legislation. All of us in our daily lives have measurements we judge ourselves and our communities against, and we have to have that, certainly within the Legislature. I've heard arguments that say that the Legislature is the highest court in the land and that once a law is passed, then that's the law, so how can it be argued. Well, I just can't disagree more. I can envision a time where the Conservative government, I'm sure, in the province of Alberta would dearly love to pass a law outlawing everybody else. But that's not right. Okay? Again, all Bills must have a measuring stick or a litmus test to see if they conform to what the whole of society wants. Certainly you can pass a Bill and then a society says, "No, we don't like that," and turfs you out three years later. That's not it. Anyway, I'll move along. That's enough on the Charter of Rights.

10:21

I happen to think that what's really wrong with the Canadian Constitution is the amending formula. I get back to this horror show I saw at Meech Lake; I was just stunned by that process. I'm going to skip over the main point here, and I'm just going to go into how I believe the Constitution should be changed. I believe anybody – anybody: myself, yourself, a group – should be able to put forth an amendment to the Constitution. If this document is mine, I should be able to change it. I then should take the amendment, plus a petition of at least 1 percent of the total Canadian population as of the last census date, and then would present it to the federal government. The petition is really a second chance, a second sanity check here. If we don't have the petition, anybody and every dog and cat could put together a change, and we'd have 4,000 changes on these things. But at least you've got some level of support behind your change. Then the next time the federal government holds a federal election, you simply put on the ballot: do you support this amendment, yes or no? Each province's ballots are then totaled. If 51 percent of the people within the province of Alberta say yea, that's one vote. If seven out of the 10 provinces – and this happens to be in the Constitution right now – with a total of 51 percent of the population or more vote for the change, then it's a done deal. We now have an amendment. So we take the people of Alberta, vote on this amendment; we total it up. That's one vote. The people of Ontario vote on the amendment; we total it up. That's only one vote. They have now cast their vote.

I firmly believe that if we had pushed back, held a referendum – call it what you will – and said to the people of Alberta, "Do you support Meech Lake?" Meech Lake would have passed. If every province had done this, if every province had let the people of the province decide how that one vote is going to be cast . . .

Now, we've heard ongoing discussions on regional disparity. I mean, we're stuck with Quebec and Ontario's large population growth, but they've only got one vote, ladies and gentlemen. Ontario's got one, Quebec's got one, and even if they vote against the change and the other eight vote for it, that's still 51 percent of the population: we've got 'em.

The major problem I see with this is the territories. How do these people participate? I see them not, until they become full-fledged provinces, and once they do, then the numbers simply adjust accordingly. So if there were two provinces created out of the Northwest Territories, there would be now nine out of 11. We're simply stuck with this.

MR. DEPUTY CHAIRMAN: Well, Larry, we have gone over the time.

MR. PUTNAM: Yeah. I rehearsed this too. I am surprised.

MR. DEPUTY CHAIRMAN: We've heard another stimulating and provocative presentation, but we don't have any time to follow it up at the present time. So we'll say thank you in appreciation for your . . .

MR. PUTNAM: Well, thanks again. One last point: do listen to these people. They are coming before you, and it is a major process, on my part at least.

MR. DEPUTY CHAIRMAN: Thank you.
Our next presenter will be Clement Leibovitz.

MR. CHIVERS: Mr. Chairman, when each presenter comes forward, I wonder if we could just remind them – I'd ask that we could perhaps give them some idea of when their time is running out, because I feel I would like to have some dialogue, and I think many presenters would too.

MS BARRETT: We did that on the other committee. I could be a timekeeper if you want.

MR. DEPUTY CHAIRMAN: Well, no, I don't mind keeping time, but sometimes people have gone to a lot of trouble, and they like to make their presentation. Clement, do you want to be warned when you have five minutes left, or do you want to have the chance to . . .

DR. LEIBOVITZ: I think I will manage to finish quite in time because I am quite interested in the follow-up.

MR. DEPUTY CHAIRMAN: Okay. Thank you.

DR. LEIBOVITZ: That's the reason why I will summarize very much the first part, to concentrate on the second part, which for me is most special. In the first part I am listing the wrongs of Canada towards Quebec, and I'm suggesting that Quebec also had wrongs towards the rest of Canada. I think it is up to the Quebeckers to determine their wrongs and to recognize them, and it is up to us to determine our wrongs and to recognize them. I made, as I say, a list, and I would like Canada to apologize for the wrongs they have done. It's the only way to build trust.

Then I suggest that the government state its readiness to sit with all the Quebec parties and associations, particularly with those who favour separation from Canada, to discuss the two following points. What in the present state of federation makes independence of Quebec an attractive alternative for many Quebecois? That's a fact. We want to know why they think they would be better off. Second, how should the present federation be modified so that what was most important to achieve through independence could still be achieved within the new Confederation?

Then I suggest that in order to strengthen the unity of the country, it would be a good thing if the federal government would subsidize the means of travel to make it possible for the average Canadian to go to all the corners of the country and to find by himself what is the richness of the different cultures and the beauty of all our provinces. That will make each Canadian more attached to all the provinces, to all of Canada, than just to the single province he knows best.

I would like to more extensively promote more youth exchanges between Quebec and the English provinces and also an interprovincial agreement for the introduction in the school curriculum of special courses intended to familiarize the student with the cultural particularities of the different provinces.

Now I come to the part I think most important, and I will just read it. If Quebec, in spite of best efforts, remains bent on independence, we will have to remind Quebec that independence, even accepted in principle, has to be negotiated. The federal government has, for instance, definite responsibilities towards all native people and among them the native people of Quebec. It is therefore incumbent on the federal government to let it be known that no part of Canada can become independent unless it is dotted with a Constitution guaranteeing to the natives the rights they are entitled to claim from the federal government. And here the federal government is on shaky ground. Unless it cleans up its own act with respect to the native people, it would justly be suspected of raising the native issue only in the measure in which it would make Quebec's independence more difficult to reach.

The native issue is important to Canada's unity in its own right. The native issue does not today threaten Canada's territorial unity, though it does threaten its spiritual unity, and we need spiritual unity. We need to know that all Canadians, including the native people, have good reasons to believe that their Constitution, their legal system, their judicial and social systems work equally well for all. All past pledges must be honoured, all injustices redressed.

Finally and most importantly, we must be conscious of Canada's responsibility towards history. The U.S. Constitution was the most admirable in its time, not because it collected what was best in the constitutions of all other countries but because it dared to innovate and progress beyond what was best at the time. Should we decide to take from others the best they have, that would still mean stopping short of being an example, failing to uphold our responsibility, which derives from the fact that we are drafting a new Constitution 200 years later.

Would Canada have remained totally conservative in her ideas, women in Canada would still be deprived of the right to vote. Let us note that even the Conservative Party felt it necessary to qualify its conservatism with the word "progressive." To be progressive 50 years ago meant, for instance, to discover that the status of women was unacceptable, though still accepted. To be progressive today is to discover in what is acceptable today what should be unacceptable tomorrow. I repeat: to be progressive today is to discover in what is acceptable today what should be unacceptable tomorrow. Since it is our turn to write a new Constitution, we have a historic obligation to proclaim today what should be unacceptable tomorrow.

10:31

It should be unacceptable tomorrow that people be deprived of quality health care. It is not enough to legislate universal health care; it has to be localized as a constitutional right so that it may not be restricted or revoked by different legislation.

Though it is accepted today, it should be unacceptable tomorrow that people should be homeless. This rejection of homelessness has to be engraved in our new Constitution.

It should be unacceptable tomorrow, and this should be clearly stated in our Constitution, that people after long years of work still be insecure.

It should be unacceptable tomorrow that a mother should not have a paid long-term leave after child delivery, the financial burden, like that of public education, being shared by society. This should not only be a matter of legislation but a matter of morality, decency, and constitutional right.

The right of people for decent holidays should not only be a matter of work contract, labour legislation, and labour bargaining, but should be inscribed in the Constitution.

The obligation of Canada's government to work for peace and to exhaust all pacific means before supporting a solution by force should also be engraved in the Constitution.

We must once and for all get rid of the egotistic mentality summarized by the common expression, "Not with my tax money." Have we forgotten our Christian and humanistic traditions? With what money can we take care of the underdog – the weak, the poor, the disabled and poor of health – if not with my tax money? Are we to witness the poverty and hunger in the Third World and abstain from helping them generously with my tax money?

There was a time in which it was argued that reducing the working day from 14 hours a day to eight would result in some economic catastrophe. Such was not the case. With technological advances, production efficiency is constantly increasing. This means that society can more and more afford to improve the working conditions of the working people and more and more increase its help to the Third World countries. All it would take is to stop the tremendous waste on world armament production. The Canadian Constitution should obligate the Canadian government to promote general disarmament and to give an example in this matter.

The new Canadian Constitution should incorporate the Christian spirit of caring and giving and the humanistic spirit of decency. If it does that, no Quebecker will find it advantageous to leave Canada.

I am ready to answer.

MR. DEPUTY CHAIRMAN: Thank you, Clement.
Barrie.

MR. CHIVERS: Clement, that was an eloquent argument in favour of Canadian unity, but you touched on a note of caution that's well worth remarking on. That is with respect to should Quebec separate, there would be a condition precedent that would have to go with separation, and that is the rights and responsibilities with respect to the native people, the aboriginal peoples. My question is and what you're saying is that Quebec would have to assume the federal government's responsibilities with respect to aboriginal peoples within its boundary. If I understood you correctly, that's what you were arguing. Now, the difficulty is, of course, that nowhere in Canada, let alone in Quebec, have we defined what the substance of those rights and obligations are. It seems to me that before we can insist that Quebec is going to assume those responsibilities with respect to aboriginals within its boundaries, we're going to have to go through a process of defining exactly what those rights are. How do we do it?

DR. LEIBOVITZ: I think it would not be too difficult that first we clean up our act with the natives, and I say that if we don't do that, we would be on shaky ground ourselves. We have to do this before, and we should speak with the Indian representatives, the native representatives to find if it is possible to reach some common understandings of what those rights are. Some of those rights have been written on paper. It consists of an agreement made hundreds of years ago. I say all past pledges should be respected.

One of the rights could be, for instance, a given amount of self-rule within the Canadian Constitution or a federation or whatever. But I do agree with you that we have to first establish ourselves as a country that takes care of the rights of the natives first. I would like to say that the way the Quebec government has handled the native problems recently makes me very suspicious to rely on them without constitutional guarantees to the natives to give them independence. It would be a betrayal of our duties and responsibilities with respect to the native people, but we shouldn't raise it just to make independence difficult.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you for a very wonderful presentation. I'm going to ask a question that I've been concerned about and have been asking most of the presenters here, and that relates to the role that you see for the federal government in our country, the need for a strong central government as opposed to the direction of decentralization that is being argued for by many people.

DR. LEIBOVITZ: I have a suggestion that I think is too much in advance of its time and too much in the Christian spirit. We are not prepared to follow the Christian spirit and humanistic decency well enough. My suggestion would have been to consider all economic resources a federal matter and not a provincial matter and in one block make disappear the differences in economic resources between all the provinces. I know the rich provinces will not like it, the poor provinces would just adore it, and there is too much egotism in us to say we are all Canadians and it's just a matter of luck we happen to have things. Did I do anything in order to store in our soil an amount of petroleum or oil? I did nothing; I don't deserve to have more than the Atlantic provinces or the Yukon or whatever, to enjoy it. Why not enjoy it all together and say, "That belongs to Canada"? But I didn't include it in my brief.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Dr. Leibovitz, for a very eloquent presentation. I believe, frankly, that one of the things Canadians are tired of is old language with respect to constitutional issues, and you've given us some wonderful terms like "spiritual unity" and many others.

My question is really flowing from Mr. Chumir's. You talked about the issue of cultural delineation, and perhaps you'd tell me how in your sense of the division of powers you see the cultural, because you've suggested the economic resource question go to the federal government. You mentioned interprovincial agreement in commitment to education, for example, about other provinces. I wondered if you'd go further on your division of powers argument.

DR. LEIBOVITZ: I would say the following. The cultural facilities and their allotment: I would accept that they be provincial on the condition that they accept a given standard that would be federal, but it would be the task of the federal government to facilitate intercultural relations and friendship between the different ethnic groups.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Clement, for your well-thought-out presentation.

DR. LEIBOVITZ: Can I leave it with you? I have here seven copies.

MR. DEPUTY CHAIRMAN: Thank you.

DR. LEIBOVITZ: You're welcome.

MR. DEPUTY CHAIRMAN: Our next presenter is John Knebel of the Edmonton Chamber of Commerce.

Welcome, John.

10:41

MR. KNEBEL: Good morning.

MR. DEPUTY CHAIRMAN: Good morning.

MR. KNEBEL: Should I proceed?

MR. DEPUTY CHAIRMAN: Yes, please do.

MR. KNEBEL: Mr. Deputy Chairman, commission members, my name is John Knebel, and I represent the Edmonton Chamber of Commerce: over 2,500 businesses and over 3,600 business members. We're a volunteer organization, and our expertise and concerns really arise from our members. We do have some relevant expertise, but to make it clear today, we're not addressing a whole agenda of issues. There's been consensus on some, and I'm probably going to be more general than some of the previous speakers.

There are many issues relevant to business in constitutional reform: more efficient government organization, the ability to achieve competitiveness. I say you can't amend the Constitution to be competitive, but you can make sure you have the ability to be competitive within the Constitution through the more appropriate distribution of powers and making sure powers over certain important things are there. There are various concerns – such as taxation, levels of taxation, duplication of efforts, interprovincial trade barriers – that can be addressed in one way or another in the constitutional reform process. I want to repeat that we're still learning. There's some degree of consensus, and I hope to express that today.

Second only to Quebec, I think Albertans have been really concerned about constitutional reform and doing a lot. That's what I've seen. The chambers of commerce have been really doing a lot across Canada. There's a major gathering in Victoria, and awhile back I was at a major gathering in Winnipeg of the major chambers. At that time I was representing both the Edmonton chamber and the Alberta chamber. We got together with the Montreal Board of Trade and various Quebec chambers of commerce and, first of all, attempted to understand them and, second of all, attempted to come to an understanding of some basic principles that could be taken to the Canadian Chamber of Commerce annual meeting in Halifax this September.

We went back to Edmonton and drafted a resolution that is more national in wording than Albertan in wording, hopefully to be adopted across Canada. Our objective is really to work in one of the other constituents to get Alberta's objectives on the agenda, even though perhaps not worded in terms such as triple E Senate and other things. To be clear, I think there's an element of maybe Albertans in the long term screaming in the dark, having a little bit of resentment over some of the economic things that have happened to us over the past and not being appropriately represented on national institutions. We at least wanted to try to bring the Canadian chamber on side with some of our issues.

What we did is that we as the Edmonton chamber passed the resolution – that's the last two pages of this submission that I gave – with a view to sending it to the Canadian chamber. We submitted it in time, and last weekend at the Alberta Chamber of Commerce annual meeting in Calgary that resolution was also adopted by the Alberta Chamber of Commerce and supported by the 102 chambers across Alberta. Once again it's sometimes more general than some of the previous speakers', but I think we've started contributing, and we continue to investigate alternatives.

The four major thrusts of the resolution are as you might expect. The first one with chambers of commerce: competitiveness. Now, I've already acknowledged that you don't just put a few words in the Constitution that result in competitiveness, but there are many things that can be done. You consider the form and level of taxation. For chambers of commerce you consider things like free trade; education and the resulting powers over education and the debate over national standards, national objectives, et cetera; skills; and even the social welfare net. In no way does the chamber think it should be disintegrated, but I think we all realize there's a lot of duplication and there are a lot of alternatives to approaching it on an integrated basis, leaving incentives for people to go out to work and not losing everything by doing it. I'll even refer to that being one of the unfinished areas in the Macdonald commission report that could be tackled across Canada.

Another focus of the resolution is the recognition that there will be a shifting of powers in the process, and it's probably good from a competitiveness or economic efficiency standpoint. Even though we didn't put it in the principal resolutions in the preamble, we recognized that the provinces would be gaining more powers, including taxation powers, to have accountability accompany powers, which is one of the problems today. But for the purposes of our resolution out front we recognized that there could be and should be enhanced federal powers in certain areas, and we focused on the problem of interprovincial and international trade, on which I'd be pleased to go into the details. Basically, we feel that even though the Constitution should provide for consultation and, hopefully, consensus in the matters of international and interprovincial trade, clearer federal powers over interprovincial and international trade and commerce are necessary in order to allow competitiveness. I think we all know that Alberta businesses would probably be more competitive if they had the whole Canadian market to deal with instead of just the Alberta market in some areas. The Edmonton chamber's effort is to try to make sure that that's on the agenda of constitutional reform.

Another thing that's not expressly reflected in the resolution is our view at this time – now, we could be convinced differently – that there should be no permanent special status for any province in the Constitution. We think of Alberta's history, how much Alberta has contributed economically to the country, Alberta's maturity and overall contribution to Confederation. We look at Quebec's concerns, and we think they could be handled by things like powers over language and perhaps culture, and we wonder, if there's to be any distinct society recognition – which as a lawyer I recognize has certain potential power or consequences – whether that's not something that Alberta deserves as a grown-up child as well. I hate to use the family analogy; the family analogy has a lot of problems. At this point in time we would have to be convinced if Alberta wasn't to gain whatever Quebec might gain by the distinct society wording. We're inclined to think that we should make whatever additional powers might be made available to any province available to all provinces. If, for example, as used in the resolution, all provinces had control over language and culture, well, Alberta could have control over language and culture too. We hope they wouldn't do anything about it, but we would like to get rid of things like the national bilingualism policies and, to be clear, multiculturalism policies. I'm not talking voluntary areas of multiculturalism; I'm talking about compulsory areas and government grants, et cetera. The relevance to business on that one, of course, is that we feel we'd be better off within a Canada where you could do business as you wished. Maybe it's not so much a business issue, but you could rise within the federal government regardless of whether you knew French or not. In this regard we don't mean to discriminate at all, but we think that certain powers should be given to the provinces so that the country is more realistically governed.

The final point really reflected in our brief is representation on national institutions, and the resolution itself is for more effective and visible representation of the regions and national institutions. As I indicated right off the bat, we didn't start talking about triple E Senates or even focus on Senate reform. That is certainly one national institution that requires attention. But we're concerned that the Alberta government, by focusing too much on trying to achieve a triple E Senate, would ignore what's out there and available for the Parliament, the Bank of Canada, other national institutions: very important to us because we can see politically two or three years from now sacrificing a lot of the "effective" to achieve something like the "equal," the thing that's difficult to grab right now. So very clearly we are not convinced that a triple E Senate is the only way to go or that all our powers and persuasive abilities should be wasted on it. Once again, yes, we just used regional representation, national institutions. We wanted to get it on the chamber agenda. Once it's on the agenda, we want to then make proposals like Senate reform and other proposals that then have to be responded to because it's on the agenda.

In summary, the Edmonton Chamber of Commerce is making an effort. Although a lot of us, including myself, have personal views on many of the other details, I can only speak of a consensus on the things reflected in our brief and my discussion. We're ready to contribute to the debate. We continue to examine such things as national standards in education and other things that we're not really in a position to give a position on – double "position" there. We are, I hope to the benefit of Alberta, focusing on achieving a national consensus in our Chamber of Commerce organization. Our major point is that when we go through constitutional reform, please consider economic efficiency, appropriate levels of government, and the relevant powers to allow us in the long term to become more competitive.

Thank you very much.

10:51

MR. DEPUTY CHAIRMAN: Thank you very much, John. Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate the outline today. I've had the fortunate experience of hearing the Calgary chamber make their presentation last week, as the rest of the committee did, and then attending the provincial convention and participating on a panel. That's led me to a question, which you may not be able to answer. I found in the Calgary presentation that there seemed to be a general desire for more federal authority in many respects. I don't know if I'm fully interpreting that right. At the provincial convention I found very much the opposite, a commitment to decentralization, and so far I don't think, John, that you've really taken a position on that in this presentation except to generally allude to it. Does the Edmonton chamber have a position yet on that or an inclination on the general concept, and are there any specifics you want to let us know about in that regard?

MR. KNEBEL: Certainly not as far as specific powers or percentages of powers. If I didn't reflect this in my presentation, we do feel that more powers will travel to the provinces than will go the other way, to the federal government. We just feel that it's clear at least in a couple of areas, in some macroeconomic areas, that the federal government requires clearer powers. Unlike the Calgary Chamber of Commerce and more like you heard last weekend at the Alberta Chamber of Commerce, we probably believe in an overall increased degree of decentralization.

MR. ANDERSON: But haven't defined the areas except for the federal need to run the economy.

MR. KNEBEL: We are working on almost every area relevant to the economy, but I can't speak of a consensus. I used the education example before. Just briefly, we debate issues such as mobility within the provinces and having consistent standards. We hear nightmares about somebody's daughter going from grade 9 here to grade 9 there and losing something. We still haven't taken a position.

MR. DEPUTY CHAIRMAN: Pam.

MS BARRETT: Thanks, Stan. In your discussions with either the Edmonton chamber or with the Alberta chamber, did you discuss in the context of "no special status" for any given region – particularly Quebec, one assumes – the economic implications of Quebec's separation, and what did you make of that? If you did, the other part of the question is: did either the Edmonton or Alberta chambers discuss and come to any conclusion with respect to what would be useful in terms of keeping Canada together, including Quebec, that is?

MR. KNEBEL: First of all, we are very concerned and have at both levels discussed what might happen at least politically if Quebec was to go. We all know what percentage of Canada that Ontario would be then, and we all know that in many respects Quebec has been a friend to Alberta over the long term, so that also does translate into economics. I guess you could take a look at things that arise from politics, like national energy programs and things like that. We very much want Quebec to remain in Confederation; we very much want to do what's necessary to achieve that.

Going on to your second question about what's useful in keeping that, we sat down on various occasions with the various Quebec chambers of commerce and said: "Really, what do you see you need in a distinct society? Powers? Or wording: distinct status, different than everybody else?" They're not speaking for the Quebec government, but they treated it more as a negotiating position, and we all realize that negotiating positions are taken. They thought that absolute control over language and culture, subject to minority rights as reflected in the resolution, was enough. You know, that's not their formal position – I'm speaking of talking to representatives – but they didn't think that a distinct society was necessary.

MS BARRETT: How did you respond?

MR. KNEBEL: We responded: "Great. Let's get a mutual resolution before the Canadian Chamber of Commerce, and let's both act accordingly with our governments."

MS BARRETT: So you didn't go beyond that territory, culture and language. Those were the two that you stuck to, basically?

MR. KNEBEL: I guess it was difficult enough to arrive at consensus. I wanted to get regional representation on national institutions in front of them and agreed to by them, and I did. In doing so, I had to deal with something on the Quebec side, and they were satisfied with the primary jurisdiction over language and culture to the provinces, subject to minority rights.

MS BARRETT: Great. Thanks.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you, John. You talked about greater taxing powers going to the provinces, and I've been trying to wrap myself around that concept because that's what the provincial government has been arguing for. I have this conundrum: if greater taxation powers go to the provincial government, presumably what we're talking about is a provincial income tax return like they have in Quebec. At the same time, the federal government is so dependent on personal income taxes that it just doesn't seem conceivable to transfer that power totally to the provinces without eliminating an inordinate chunk of their revenue. This leads us to the issue of whether or not we have two personal income tax returns here in Alberta, and I'm hearing from people very strongly, particularly professionals who are involved in the taxation field, that that's a nightmare we don't need. So what exactly do you mean by more taxing power?

MR. KNEBEL: The Edmonton chamber has definitely been involved in these issues before, so I can speak on their behalf. The Edmonton Chamber of Commerce does not want two personal income tax returns. That doesn't mean that there can't be increased taxation powers for the provinces. We would just hope that one way or the other we can act consistently on a national basis. It's difficult enough for the little guy to fill out the Alberta corporate income tax return. It's not really difficult, but it's one extra piece of paper and slightly different rules. Greater taxation powers: the word "greater" bothers me for a second. I recognize that there are some limits to provincial taxation powers that the federal government does not have, be it direct, indirect, and all those distinctions. Maybe I can use a municipal government as an example. I mean, we look a lot to our municipal government. They take on many programs that weren't originally contemplated for them, and then we sort of limit them to property taxes and that type of thing. We haven't taken a position on more powers for municipal governments, but that's one thing that we wonder about and are thinking about.

With the province we would like very much to have overall limits on taxation, overall limits on deficits on a national basis, and perhaps some formula where all the provinces have to agree to lift limits or things like that. I mean, not getting into all the details right now when we're discussing them, I guess I'm saying that where responsibility goes in terms of powers, there also has to be the accountability. Instead of just taxing for one-half of what you're spending and getting the other in a cheque from the federal government, we think that aside from equalization payments and principles like that that we do believe in, there should be more accountability on what a government spends by looking at taxation. To do that, there might have to be the power. I think we all recognize that a lot of the income taxation powers are given by agreement from the federal government to the provinces right now. That may be working, but we're looking at a long-term constitutional relationship, not just something that is working right now.

MR. CHUMIR: Thank you. You've talked about economic efficiency, particularly economic efficiency as being a criterion of the allocation of powers. In fact, that's one of the criteria we've suggested in a discussion paper. But we also go beyond that and state that you also have to figure out the impact of the distribution of the power on the strength of nationhood. Now, you've indicated you've not taken any position on education. There's a tremendous amount of debate going on re whether federal standards, with respect to medicare and social services standards being administered by the provinces as at present, are something that should continue or whether we should decentralize to the provinces. Have you taken a position on that?

MR. KNEBEL: I can tell you about the inclinations, but I'd be wrong to say that we've taken a position. The inclinations are that there should be national standards. It's hard to distinguish between minimum national standards and national objectives and things like that for us poor Chamber of Commerce members, but yes, I tried to say that we see a few more powers going to the provinces, perhaps more than would end up going in addition to the government. So, you know, we're for slight decentralization, but we very much believe that in this world we're living in, a lot of things that relate to the economy have to be consistent on the national basis for a whole bunch of reasons like mobility and others. So in no way do we say massive decentralization.

11:01

MR. DEPUTY CHAIRMAN: Thank you very much, John.

MR. KNEBEL: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Charan Khehra. Welcome.

MR. KHEHRA: Thank you very much. Mr. Chairman, the presentation which I am going to make is my personal presentation. I do not speak on behalf of any organization.

As far as I'm concerned, Canada is my homeland by choice. It is a great country, and I believe that if all Canadians work together, it could become greater. Towards this end, I made this brief. The format of my brief is as follows: first, I will comment on the current state of affairs in Canada, specifically the lack of consensus building. This will be followed by comments and recommendations on Canadian federalism, the federal Parliament, Quebec, the aboriginals, the bill of rights, and constituent assembly.

Current state of affairs. The major causes of our continuing problems appear to be lack of consensus, exclusion of Canadians from the political process, secrecy, and rigidity in our positions. This analysis is clearly supported by experience with the 1987 Constitutional Accord – Meech Lake – and other things. There was a lack of consensus throughout. There was no participation of other Canadians except to stand outside the roped area and remain puzzled. That was the only participation Canadian citizens had. The Prime Minister had taken a very rigid position from the very beginning. Nobody knew what was going on.

As a matter of fact, I think whatever Mr. Harper did, it was the right thing to do, by giving us another opportunity to look at ourselves. What we find is that in this country at the moment the so-called "true patriot love" seems to be waning among Canadians. National interests are being replaced by regionalism and provincialism. Populism is on the rise. Governments appear to have lost vision. It is pity that when Europe is coming together, provinces in Canada are threatening to break away.

It looks like Canadians have a commitment, and that commitment at the moment seems to be a commitment not to work together. Adversarial attitudes are prevalent. We blame each other for our ills. The federal government blames the provincial governments; one political party blames the other; so does management and labour. There is confusion all over. There is a crisis of confidence. Numerous constitutional task forces, committees, or commissions in place, including yours, are seeking miracles to save the country from falling apart. The observation which I would like to make is that unless these bodies are sensitive, unless they are willing to be flexible, unless they are prepared to change the status quo, unless they work harder towards consensus building, this confusion and crisis will continue.

Let me also say that politicians in general need to raise their current low public esteem. That includes most of the politicians these days. Citizens are looking at you to provide an open government, make promises which you can keep, eliminate backroom deals, listen to the public, encourage nonpartisan appointments to various public bodies, establish a strict code of ethics and strictly follow it, and the country will start coming together. Although considered to be the supreme law of the land, a Constitution has its limitations. Any Constitution or any amending formula would not create consensus; it can just facilitate it.

Let me talk about Canadian federalism here. Canadian federalism confronts serious problems. Once again Canadians need to be reminded that the reason for Confederation is to bring different parts of the country together to share common economic and security benefits. The federal government needs to be stronger, and I want to emphasize that it needs to be stronger, much stronger than it is now. It must have the ability to spend money for programs within provincial jurisdictions to operate, and attach conditions to transfer those funds.

I recommend that the Constitution must recognize and entrench the principle of equalizing social and economic opportunities between regions as an objective of the federation. It is interesting to note that although Canada has negotiated the free trade agreement with the United States, the provinces continue to place trade barriers within Canada. There is an obvious contradiction.

Then I move from here to the federal Parliament. Both Houses of Parliament, the Commons and the Senate, have been criticized and I think rightly so. What we need here is a proportional system of representation to the House of the Commons. Now what we find is that at the moment the majority party gets all the seats, even though they may have been elected by 30 or 40 percent of the votes, and the rest of the country is left out. So you need some sort of representation which will be based on proportional representation, and this could mean that you may be returning four to five members from each riding. The best politicians will be able to come up, and they will be accommodated in this process.

As an institution, the Senate has outlived its life. The method of selecting Senators has meant they do not represent either themselves or anybody else in this country. The poor quality of the Senators is also very well recorded. If we want a second House to check over the over-hastiness on the part of the Commons, it should be reconstituted on an elective basis. My personal recommendation would be that the new Senate should have equal representation from each province, its membership should not exceed one-third of the House of Commons, and they should be elected for six years, one-third of them retiring every two years. Then you need to define what are money Bills very clearly. The powers of the Senate would be to hold legislation for a period of 12 months, except money Bills. But money Bills have to be restricted so that not anywhere where $1.49 is involved, you consider it a money Bill and it remains so. What I'm saying is that you've got to very clearly define it.

The other important thing I would suggest is that we need to have a system of recall of Members of Parliament and the provincial Legislatures. That would make it important for people to have some sort of input and the politicians to be responsible and continue to be responsible. Therefore, what I'm suggesting is that we have some sort of recall system there.

Talking about Quebec. Of course, all provinces are not equal. They will never be equal. They were not created equal. We are different than the United States system. Whenever the federal governments have failed to provide consensual leadership, more so in the recent past, all provincial governments, including Quebec, have started moving in their own way, coming together, trying to separate and establish sort of banana republics in this country, which is unacceptable.

11:11

The concept of bilingualism has not been allowed to work. Canadian bilingualism policy has been limited only to whether the storefront signs or the road signs should be either in English or French; that has been the extent. What I would have expected was that English should have been made as a second, compulsory language in Quebec and French throughout the country as a second language.

Although we must recognize our special problems of French and English, Quebec and English Canada, any special status for any province would not only encourage all provinces to seek more powers, it would result in the disintegration of the country. You cannot have special status for certain provinces and so on.

Talking about aboriginals, you have got to recognize that there is historic mistreatment of our aboriginal people. Although more and more immigrants are being brought into Canada, the aboriginals have been left out of the mainstream. This is, I think, disgraceful. Such a policy is counterproductive, and I recommend that the Constitution must recognize and affirm the special place of the native people of Canada and reserve a specific number of seats for them in the provincial and federal Legislatures. Such members would be directly elected by the aboriginals from their own electoral ridings.

The bill of rights. The remark I want to make is that section 33 should be removed from the Charter. It does not make any sense.

Constituent assembly. There is an assertion that there is a time limit to amend the Constitution and so on. I think it's a myth. You cannot just push people to amend anything. You have got to be convinced; you have got to be committed. You should understand why you are making those changes. Therefore, don't rush into doing those things that we would regret later on. Don't make those changes just for the sake of making those changes.

I'm recommending that a constituent assembly should be a permanent body with a total membership limited to 300. I mean, you can always juggle with these numbers. Half of these members should be selected or elected by the provincial Legislatures and our federal Parliament according to their political party strength. A certain political party has got 30 percent, so they should be able to elect a certain number of those people or select them. They don't have to be the serving politicians who are MLAs; they could be appointed from outside. As regards the other half, these people should be elected by the public and on a proportional basis for a period of four years. When there is a vacancy, the next runner-up should be called. Instead of having another election every second day, whoever was the next runner-up, call him; let him serve. This would be a permanent body, and it would only deal with the Constitution. If there were any amendments needed, they would have a look at them.

The conclusion. Whether we want to accept it or not, we are facing a crisis in this country. The crisis will test our national character and values as Canadians, so we should be giving very clear, full concentration to what people are saying, and you should be listening to them very carefully.

With these remarks I would conclude my presentation, and I would be very happy to answer any questions which you might have.

MR. DEPUTY CHAIRMAN: We have two on the list, Charan, but we have about three minutes to accommodate them within the time.

We'll start with Sheldon.

MR. CHUMIR: Thank you for a very excellent presentation. I'd like to get your views on the issues of multiculturalism. We've been hearing a great deal of criticism of the present thrust of the program in terms of supporting, financially and otherwise, different ethnic groups, and it's been suggested that this tends to separate and divide. The alternate vision is that we should be spending more time trying to bring people together: education, acceptance, and understanding, equality of opportunity. I'd very much appreciate hearing your views with respect to that issue.

MR. KHEHRA: I think that so far multiculturalism has been a good concept, but the way it has gone, it has gone out of control. You find that you've got pockets of people all over with different backgrounds; this is separating them. I think that if you are talking about multiculturalism, it should be accepted as a concept in the Constitution, but it should be left to the people to preserve their own sort of cultures instead of promoting them or giving them money to say, "Okay, why don't we start up some sort of structure here and there," just to play your own sort of drums. Those drums are becoming very noisy now. I think we have got to start talking about something in common: the Canadian – what is a Canadian? – concept? I think we have gone too far. Let's bring these people together as Canadians rather than promoting their cultures. There's not going to be any end to promoting those cultures.

MR. CHUMIR: Would you say, then, that we shouldn't be moving in the direction of providing funding for schools for different ethnic and religious groups so they would be separated together at the expense of public schooling?

MR. KHEHRA: I think the way would be to go through the educational system, teaching people about different cultures and about their different values, rather than setting up different structures outside with different symbols all over the place. Let's go through the educational system. Let people learn about other, different cultures and subcultures and what they stand for and come back with a commonality, basically the human values there. That would be much better than what has been happening in this country so far.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you for your interesting presentation, Charan. There's been a lot of viewpoints presented to the committee thus far with respect to accountability in the political system, and you've repeated it in your call for recall of politicians. However, there's also been an inability to define how that should operate. For example, in Red Deer the other day one of our members, the member who is the MLA for that constituency, was discussing the idea of recall, and a 3 percent formula was proposed. He made the point to that presenter that that was capable of political manipulation, that any of the opposition parties, for example, would be able to mount a recall petition based on that basis. The idea of recall is at first blush very attractive, because it gives you that accountability and it gives it to you at more frequent intervals than every four or five years, but I'd just like you to think about it and see if there is a workable formula. I'd like to pursue that idea.

MR. KHEHRA: I would be happy whether you said 2 and a half percent or 3 percent or maybe, say, if 5,000 people signed a petition – anything. That does not make any difference. What

I want to take up is the second issue which you are raising, that certain political parties would be able to outmanoeuvre somebody else and manipulate, and they would be recalled and so on. Personally speaking, I do not think that is going to be a problem, because all the political parties would learn in due course. They would settle down, and they would know, if they are not responsible to the people, what is going to happen. It does not matter. I think it's going to work in due course. If as an MLA I have got the confidence of the people, if I'm doing the right sort of thing, there is no reason if another election is held that I'm going to lose, because I will have the confidence of the people. This would help you to build a consensus in this country.

We have got to come together. Instead of talking about individuals, you have got to blend the views of political parties and personal views of the MLAs. Sometimes I say: that's my political views of that particular party; they are not my personal views. Then there are my personal views which do not tie with a political party. Both of them have got to go together. I think the system, Barrie, is going to work. It may create some difficulties. It may create some sort of panic initially for some MLAs, some MPs, and so on, but in the long run there's no reason it would not work.

11:21

MR. CHIVERS: I think my time is finished. Thank you.

MR. DEPUTY CHAIRMAN: Not yours, Barrie, but the committee's time, unfortunately.

Charan, thank you very much for your presentation.

MR. KHEHRA: Thank you very much. I appreciate this opportunity.

MR. DEPUTY CHAIRMAN: Our next presenters are Margaret Duncan and Margot Herbert on behalf of the Alberta Association of Social Workers. Good morning. Welcome.

MRS. HERBERT: Good morning, and thank you.

MR. DEPUTY CHAIRMAN: Do you want to be reminded where you're at timewise, or will we just do the best we can here?

MRS. HERBERT: You could remind us. That might be helpful.

MR. DEPUTY CHAIRMAN: At about 10 minutes would you like to be?

MRS. HERBERT: Ten minutes is fine.

MR. DEPUTY CHAIRMAN: Okay. Thank you.

MRS. HERBERT: I'll just start out by saying to you that I feel very much a Canadian. I was born in western Canada, in Saskatchewan. I grew up in a little town during the Depression. I've lived, worked, gone to school in five provinces in Canada, and I feel very Canadian. I grew up and went to school – one of the provinces I lived in, went to school in, and worked in was Quebec, incidentally – long before it was popular to refer to oneself as an English Canadian or any other kind of a Canadian. We were Canadians, and I feel panic-stricken, really, at the thought that Canada is going to divide itself up into a group of little statehoods or something with a whole variety of ways of dealing with human services and the need to govern and so on.

So for starters, I think that we need a strong central government. I really think that you deserve a great deal of credit for taking the time and the effort to allow people to present their views on this very important issue to you, but I also would say to you that we as Canadian citizens can tell our elected representatives what it is we want to happen to Canada, but we can't necessarily tell you how to do that. I submit that when we elect you to office it's because we think that you have the creativity, intelligence, energy, and whatever else to find ways to do it.

MR. DEPUTY CHAIRMAN: I won't repeat what I said in Calgary in that regard. It bothers my friend Barrie. Sorry to . . .

MRS. HERBERT: No; that's all right.

MR. CHUMIR: Maybe you should.

MRS. HERBERT: I'd be interested in knowing what you did say.

MR. DEPUTY CHAIRMAN: Well, at the end of a long day last Saturday in Calgary, somebody said: after hearing the spectrum of opinions that we've heard here today, we don't know how you're going to do this; and I made the flippant comment: well, that's what we get paid the big bucks for.

MRS. HERBERT: Yes. Well, I guess that's a more direct way of saying exactly what I'm saying.

I believe that there surely are ways to find the creativity to preserve all the regional uniqueness in this country. I think that's just not incongruent with a strong central government. I have confidence that our elected representatives have enough creativity to find ways to do that, and I commend you for listening to what people are saying.

As a social worker I've seen incredible changes in the way people have been able to access needed human services over the years. I've been a social worker for – I hate to admit it – more than 40 years, and I started my career in child welfare in Saskatchewan. I can remember in those days – I think particularly of young women who came into the city where I worked to get away from small rural communities because they were pregnant and became temporary wards of the provincial government. I can remember having to call out to whatever small community the girl came from to ask the reeve of the rural municipality for a voucher to buy this girl a winter coat, which she didn't own. That request would be taken back to the council, probably consisting of her uncle, three neighbours, and whoever else, while she shivered in the cold for a week waiting for the council to meet and approve the purchase of a winter coat. Now, that's the kind of thing that we have gotten away from since funding for welfare programs has been provincial rather than municipal, and on a different level I think there's a lesson to be learned about the human misery that results from even that small example of lack of a universal way of dealing with human problems. There are many other examples of the kinds of ways in which the practice of providing service to some of our vulnerable populations has changed over the years.

I think I could say – and I'll pass the floor to Margaret, who has had a lot of experience in this area as well – that most social workers feel that vulnerable populations are much better served in a whole variety of ways with a strong central government and a national commitment to the welfare of all of the citizens of our country.

MR. DEPUTY CHAIRMAN: Margaret.

MS DUNCAN: Okay. Yes. Our elected council of the association had some discussions on this topic recently, and there were a number of things that they asked that we bring forward to you today. Margot Herbert is the president of our council, I'm proud to say.

Indeed, social workers are very much concerned about those vulnerable people with whom we work as we discuss what ranges from a different arrangement between the provinces and the federal government in how funding and standards and so on will be handled to what also makes me feel panic-stricken: what begins to be a discussion that sounds like the breakup of Canada, which is very frightening indeed.

I'm an immigrant to Canada. I'm in Canada by choice, and there are wonderful things that I have found since coming here, such as the national medicare program and the guarantee of universal access to all Canadians. I certainly don't think we need any further breakdown or differences between the provinces in how that is handled.

Essentially, the Alberta Association of Social Workers believes that we need consistency in human services. We need guaranteed national standards, national funding, and at the same time we need to find ways of providing for diversity in cultural pursuits. The association feels very strongly, as Margot has told you, that these are not contradictory aims and that we can find ways of achieving these. We're very concerned with protection of individual rights through the Charter of Rights, a document already in existence in Canada. We need to strengthen that, and we need to be sure that we are finding ways of enforcing that document that's already in place. It's easier for vulnerable people such as women and minorities, native people, children, and so on to find their rights protected under a national charter, going to one government to bring their case, than it is to deal with 10 provincial governments and territorial governments and whatever else. We need to be guaranteeing those rights.

11:31

In terms of the economy, the association is very concerned that we remove existing interprovincial trade barriers. We consider this to be a very important social issue and one that's certainly of concern to social workers. People need to be able to move throughout the country. In times of economic change in one region they need to be able to move to another region, and the jobs need to be available to people throughout Canada as Canadians. We heard some talk at a gathering of economists last week about what might happen to currency if Quebec should leave, and should the west adopt U.S. currency and so on. We think it's essential to the continuation of the nation of Canada that a common monetary currency be maintained.

We're also very concerned about immigration policies and that those should be consistent throughout the provinces. When an immigrant comes to Canada, then that person should be coming to the nation and traveling within the nation. We want to speak very strongly in favour of national standards for health and education and our welfare programs, including day care, income security, and so on. Again freedom of movement is important in terms of the family. I'm aware of a gentleman who moved to Alberta from the maritime provinces for the purpose of work. He was injured here and receives disability here and has been unable to move back to his home and to his family because his home province is saying that the injuries were sustained in Alberta and so they should have to pick up the tab. This is an example of a way in which there are already too many provincial barriers between our national welfare programs. Our association is also very concerned – we do recognize that Quebec is a unique province, and we do want to ensure protection of the culture and language. At the same time, we do want to see citizens' rights ensured under the Charter of Rights throughout the nation.

We also think that the national government is better placed to set up environmental regulations and to enforce those.

MR. DEPUTY CHAIRMAN: I'm not trying to stop you; I'm just giving you the signal that there are five minutes left.

MS DUNCAN: The high sign. Okay.

That really was my last point, that the environment knows no boundaries, neither provincial nor national nor any other kind of boundary. We all share the same environment. We think that the federal government is better positioned to deal with those kinds of issues, not as likely to be pressured by local powerful interests as our provincial governments.

Those are our main points.

MR. DEPUTY CHAIRMAN: Thank you very much, Margaret. Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. We've heard a lot of views speaking of, I'm going to call it, uniform standards across the country, so as to be neutral in presenting this point to you. But the debate amongst our committee seems to centre on whether those jurisdictions – for example, in health care and education, and in the environment, if that was to be included – should be achieved through the national government establishing those standards or each of the provincial governments having the responsibility for the standards and the funding, and then that there would be uniformity achieved through discussions amongst the various levels of government. I'm just wondering where you stand on that debate. I've tried to present it as neutrally as I can.

MS DUNCAN: I think the provisions in the Canada assistance plan, in the CAP Act, have stood us in good stead to protect standards for those programs that are funded under CAP. I'm very concerned. Of course, recently there was extra billing in Alberta for health care services, and that leaves out people who are poor and who cannot afford to pay extra when it comes to certain health services. There was a bit of a confrontation between the Alberta government and the national government, and because the national government is a major funder and because they did set standards, Alberta was no longer permitted to do that. I think that was a good decision, and I think the reason the national government was able to do that more easily than the provincial government was able to do that is because the national government is responding across the nation and not just to whatever may be happening in a particular locality. Certainly the national standards, I think, offer good protection for all of us.

MR. CHIVERS: I'll leave it at that, so some other members can pursue it if they wish.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. With respect to the Charter and the suggestion that individual rights were best dealt with by one government, I assume, then, you have no concern about the complexity of the legal system and somebody needing to go through that end as opposed to getting redress from government for their difficulties. The more you add to the Charter, of course, and the more you place the responsibilities in the hands of the court that cannot be changed or amended easily through Legislatures or through Parliament, the more you have to leave that process to the legal process as opposed to the elected representative process.

MS DUNCAN: Uh huh. I wouldn't say I have no concerns about the process of the way legal operations take place. I wouldn't say that at all. What I would say is that it seems to me that the courts are now the only balance in the Canadian government against whatever pressures elected officials may be feeling by lobbying groups that have the resources to pressure for whatever it is that they want. There's a big discussion going on in Alberta now, for example, about gay rights, and the Alberta Association of Social Workers along with our Canadian association has taken a very firm stand in favour of guaranteeing rights for gays. Now there's an issue. The very reason that gay people need protection is because most people do believe that that protection should not be guaranteed. So I do think that the courts have a unique role to play, and the fact that they are not vulnerable to pressures from the electorate puts them in a position where they can consider these things in perhaps a more objective light.

MR. ANDERSON: So as a general statement you believe that the courts should have more authority and final authority, rather than people elected; that the will of the people shouldn't be represented? There's somehow more wisdom attached to nine appointed people?

MS DUNCAN: I didn't say "more wisdom." I said more objectivity and perhaps more protection from the immediate pressures of the electorate. I don't mean to say more wisdom. What I mean to say and did say is "balance," more balance, so that the elected representatives and some people who are appointed by elected representatives but who are protected from the pressures of the day can work together. Certainly it's the courts' job to interpret the laws as laid down by the elected officials.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much. I'd like to quiz you on a topic that I asked the last presenter. You may not have an official position as an association, so I'd appreciate it if you are able to give me your own views on that, and that relates to the direction of multiculturalism. We've had some criticisms to the effect that some aspects of it tend to divide and that the promotion of the different individual cultures and languages should be the responsibility of the particular groups and that what we should really be doing is working on acceptance, understanding, education amongst the groups, equality of opportunity, equal access, and so on. I'd appreciate very much if you would be in a position to give me your observations on that.

MS DUNCAN: Well, again I would just like to stress what we have said earlier, and that is that it is our association's belief that we can have both consistency and national standards and maintain cultural diversity. I was very impressed with the remarks of the gentleman who spoke just before us when he talked about not writing specific cultural diversity provisions into law but leaving the culture to the people who bring it with them to practise it and to keep it alive, making enough room in the law so that people can do that, so that we're not saying you must – I don't know – either worship in a certain way or that you must speak a particular language or whatever.

MRS. HERBERT: I think you raised with the former speaker the question of schools and so on, and I find myself thinking that although that, on the one hand, is a confirming opportunity for children of minority groups, in some ways it's very sad for children who are not of the minority group, that they lose the opportunity to live and work and play with the variety of children of different racial and ethnic origins that make up the kind of tapestry of Canada, if you like. If children of different religious beliefs and languages of origin are separated in different buildings to go to school, I think we've just lost a glorious opportunity to help our children all grow up together and honour all of their variety of racial origins.

11:41

MR. CHUMIR: So are you favouring common schooling?

MRS. HERBERT: I am, yes. Now, also I think one would have to get a little creative about also making it possible for children whose parents were anxious for them to pursue a language other than English to have ways to do that, but I think there's precedent for that within the school system, absolutely. My own children went all through the public school system in Edmonton before it was fashionable to have a variety of programs. I've always been very glad that they had that opportunity, and some of the classrooms some of my own children were in looked like little United Nations. I think that was a wonderful opportunity for them; I'm very glad. That's the level at which we have to start dealing with prejudices, at the level of young children.

MR. CHUMIR: Just a point of clarification, if I could, Stan, re Margaret's comment re multiculturalism. You refer to the previous speaker. I had understood him to be fairly clear that he thought government programming should not be established to encourage the separate cultures. They should be left to their own; the climate should be there for them to be able to do it. Is that what you're saying?

MS DUNCAN: Yes, the allowing for it. Whatever laws and programs and whatever we put into place would allow for people to maintain their cultural diversity and celebrate their cultures so that the rest of us can learn about other cultures and so on. But stay away from laws that say that you must participate in some particular cultural activity.

MR. CHUMIR: I miscommunicated it. The problem is not so much that we're forcing them to do things. The complaint we've had is that public policy provides money to these groups specifically to encourage their culture, and this is said to be divisive and selective and so on. That's the conundrum that I'm trying to get some expression of opinion on.

MRS. HERBERT: I wish I had a wonderful answer for you, but I don't. There's certainly a problem.

MR. DEPUTY CHAIRMAN: Could I ask a question, just in conclusion? We've heard a lot of representations in our travels around the province over the last week that the general public don't feel very empowered. I would think that most of the criticism has gone towards the federal level, because we hear criticism of the free trade agreement, we hear criticism of the GST. Those are the things we're hearing, that the federal government has been unresponsive to the electors of Canada, and there's a demand for more direct democracy and control over the federal government. With this day and age of fear over the accumulated debt and deficit, would you feel as comfortable about the federal system guaranteeing the things that you feel it guarantees best if these demands for more empowerment from the ordinary citizen come to pass?

MS DUNCAN: I think it has also been said, and I hope you've been hearing, that people also feel quite shut out of the processes of the provincial government. Since you are provincial representatives, I would like to take the opportunity, if you haven't heard it until now, to hope that you will hear it now.

MR. DEPUTY CHAIRMAN: We have heard the same criticism at both levels. It's been more directed at the federal level, but we don't disagree that it's also applied at the provincial level too. I'm just asking you because it seems to me that so many people feel that the further you are away from the people, the more safe their own particular concerns are.

MS DUNCAN: Well, I certainly would not favour transferring those kinds of standards and so on that we've been talking about from national jurisdiction, if I thought the national government didn't listen to me, to the provincial jurisdiction if I also thought the provincial government didn't listen to me, which is what I think. So I guess that's my answer.

MS BETKOWSKI: It begs the question: what do we do to enhance the direct democracy process at whatever level of government to give citizens a sense that they're more directly involved? We are hearing that, and you've heard some suggestions: constituent assembly, reform of the Senate. Have you any views on that mechanism?

MS DUNCAN: Well, certainly more public hearings, such as the one that you're holding today, and then taking those seriously, not simply saying, as unfortunately happened in the case of Al-Pac: "Well, that was a mistake. It wasn't handled well and whatever, so we're going to do it all over and throw that out the window." That was a very unfortunate thing that certainly decreased people's confidence in the provincial government to be responsive to what they were saying. There has been talk, I know, of direct referenda on certain decisions that have to be made. That may be a good idea. Constituent assembly is also something that I would favour.

MRS. HERBERT: I would certainly reinforce those comments. I have had occasion, partly because of my position with ASW, to have frequent conversations with people within the Department of Family and Social Services, particularly at the ministerial and deputy ministers' level. Each time I do that, I'm impressed with how difficult it is to be in those positions in high places, because there seems to be a very thick layer of people who feel that it's their mission in life to keep people at the ministerial and deputy ministerial level from knowing what it really is that people are saying and that people are wanting and so on. So I applaud you for being here today and having dispensed with that middle layer and listening to what we're saying. I think it's an occupational hazard for you people, probably, that the people you employ feel that they're employed to protect you from real information that voting citizens want you to hear.

MR. DEPUTY CHAIRMAN: Thank you. Thank you very much.

The next and final presenters for this morning's session will be Olivia Butti, Lorne Clark, and Barry Gogal on behalf of the Edmonton Real Estate Board. Welcome, Olivia. Good morning.

MR. GOGAL: We'll make sure we have you out of here in time for lunch.

MR. DEPUTY CHAIRMAN: Yes, we must be back in business at 1 o'clock.

MR. GOGAL: We don't want to see you hard-working folks not have lunch today.

MR. ANDERSON: I'm in danger of wilting away to nothing.

MR. GOGAL: Well, you can't keep your weight up if you don't have lunch.

Thank you, Mr. Chairman and the entire committee. We want to thank you, first of all, for allowing us the opportunity to meet with you today. Also, Dennis, as our minister as far as our industry is concerned, it's nice to see you again.

I want to introduce ourselves to you so that you understand our presentation today and where we're coming from. My name is Barry Gogal. I'm a past president of the Edmonton Real Estate Board, a past president of the Alberta Real Estate Association, and I'm currently a senior director of the Canadian Real Estate Association and chairman of our governmental affairs division representing our entire industry at government in Ottawa. On my right, an individual who is no stranger to any one of you, Olivia Butti, who is our governmental adviser from the Edmonton Real Estate Board and the Alberta Real Estate Association, and Lorne Clark, our current president of the Edmonton Real Estate Board.

We have a kit that we passed out to you. There are a number of issues in there. There's a presentation that I'm going to make to you on behalf of the board and our industry. Hopefully, at the end of that we may have a little bit of time to address a couple of other issues with respect to how our industry is going to be related to the unity situation as far the Quebec situation is concerned.

The Edmonton Real Estate Board appreciates the opportunity to formally present its views on the future of Canada's parliamentary system. Acknowledging that the current federal system is not working, major changes are necessary to ensure that the elected representatives are in fact representing the views of their constituents and voting accordingly. The present system of adhering to the party line in direct conflict to constituents' wishes is unacceptable.

11:51

The Edmonton Real Estate Board wishes to go on record as opposed in principle to our government spending millions of dollars on federal commissions traveling across Canada to seek the opinions of people on major issues. Elected MPs, MLAs should be in constant communication with their constituents, and the views of their constituents should be reflected in ongoing representation, debates, et cetera. Any changes to the Constitution should ensure that all MPs, including backbenchers, have a real voice in representing the views of constituents who elected them to that office.

The Canadian Real Estate Association's continuing efforts over the last 10 years to entrench property rights in the Charter have proven conclusively that the current amending formula is not workable. Part 5 should be amended to ensure that reforms that have wide public support receive timely and fair consideration by Parliament and provincial Legislative Assemblies. The difficulties encountered by the Meech Lake accord or indeed any other proposal for amending the Constitution are procedural. An amending procedure which does not require timely votes by Legislatures and Parliament on amending resolutions in the form initiated is flawed. Further, an amending process which fails to provide for initiation of amending resolutions by citizens as well as their elected representatives is undemocratic. Part 5 in its current form forces all constitutional amendments into the political agendas of governing parties. As a result, factors unrelated to the merits of proposed amendments can block popular reforms.

Part 5 of the Constitution Act, 1982, should be amended to permit people in any province to initiate amending resolutions by petition to their Legislative Assembly and to allow a minority of MLAs to initiate amending resolutions; to cause amending resolutions, once adopted by any Legislative Assembly, to be automatically referred to all other Legislative Assemblies, Parliament, and the Senate for consideration in the form initially adopted; to deem that a Legislative Assembly, Parliament, or the Senate has adopted a referred amending resolution if not considered and voted on within a prescribed time; to give a minority of MLAs, MPs, and Senators the power to force consideration of a referred amending resolution; to make the support of a majority of members present and voting sufficient for adoption of an amending resolution by any legislative body; and to give people the power to override by referenda resolutions of Legislative Assemblies opting out of constitutional reforms and legislative conclusions of the Charter.

The Edmonton Real Estate Board supports the recommendations by the Canadian Real Estate Association submitted May 7, 1991, to the special joint committee of Parliament on the process for amending the Constitution of Canada. Many Canadians are unaware that they have no constitutional guaranteed right to enjoy, protect, or own property. They have no guarantee of fair compensation if a government takes their property away.

It is unique in Canada's history that the right to own and enjoy property is not guaranteed. The Magna Carta of 1215 gave our British ancestors such protection. It was followed by the English Bill of Rights in 1627 which entrenched the right, and so did the 1948 United Nations Universal Declaration of Human Rights which Canada signed, and the 1960 Canadian Bill of Rights added to their protection. It has only been since patriation of the Canadian Constitution in 1982 that this right has not been enjoyed by Canadians. In other words, citizens of this country do not have recourse to the Charter of Rights and Freedoms if their land or home is seized by a government or its agent. Under existing conditions, for example, a municipality can pass a bylaw to expropriate private property and a landowner cannot mount an effective challenge. This opens the door for potential abuse, and organizations like the Canadian Real Estate Association have documented actual cases of individuals losing property for highly questionable reasons. Property rights should be equally protected for all Canadians under the Canadian Charter regardless of where they live and should not be left to the guidelines and regulations within each province.

The Alberta provincial government has opposed the numerous requests to support the amendment to the Constitution to entrench property rights, stating that the Alberta Bill of Rights adequately protects Albertans. In reality, since the inception of the Alberta Bill of Rights in 1972, Albertans have suffered numerous abuses, many of which resulted from the decisions by the Alberta government, thereby proving that the Alberta Bill of Rights is not adequate protection. The Canadian Real Estate Association has documented many cases of property rights abuses across Canada, and a few cases are attached. As well, the Edmonton Real Estate Board has documented many abuses in Alberta.

The Hon. Jim Horsman, Alberta Federal and Intergovernmental Affairs minister, has written that the provincial government supports the individual's right to own and enjoy property and the protection thereof. He further stated that the Alberta government does not support the entrenchment of property rights in the Constitution because this would have the effect of substituting the authority of the courts, through judicial review, over and above that of elected legislators in regulating the ownership and enjoyment of property. The Alberta Bill of Rights is not a supreme law like the Canadian Charter of Rights and Freedoms, and as evidenced by the documented cases, the Bill can be overruled by provincial laws and government action at any time. Many of these documented abuses in Alberta have resulted in Albertans seeking decisions through the courts because satisfaction was not available from the Alberta government in concluding transactions.

Canadians have faced arbitrary decisions and infringements by all levels of government which have resulted in hardship and the need to pursue just compensation through the courts. The restricted development area zoning imposed a great hardship on farmers in Alberta for many years. The zoning virtually froze the land, affected prices, and hindered the use of the land to its fullest utilization. In all reality the land, through arbitrary zoning, was expropriated without just compensation and without the right of appeal.

Entrenchment is not a threat to provincial rights. Provincial jurisdictions that oppose entrenchment have never explained how this would interfere with their operation as a government. It will not prevent necessary expropriation or interfere with the administration of government, whether at the federal, provincial, or municipal levels. The Edmonton Real Estate Board together with the Canadian Real Estate Association and the Alberta Real Estate Association officially support an amendment to the Constitution to do more than just legalize the rights of property owners but to guarantee these rights under the Canadian Charter.

A Gallup poll conducted in August 1987 showed that 81 percent of Canadians overwhelmingly support entrenchment of property rights in the Constitution. The result should be a powerful message to all governments that Canadians take their property rights seriously and want their rights protected in the Constitution. It is essential to distinguish between rights which are national in scope and legislative rights which are constitutionally assigned to the province. At no time does the amendment to the Constitution suggest the legislative rights of the provinces over property rights be restricted. Exclusion of such rights can, however, interfere with the security of the individual and the right of the people of Canada. Rights should be identical and rock solid for all citizens in all provinces and territories in Canada.

Mr. Chairman, we recommend that the government of Alberta support an amendment to the Canadian Charter of Rights to include the protection of property rights in the Constitution.

Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Mr. Chairman, and thank you for your presentation. We've actually heard from other members of the real estate board in Alberta in other places.

One of the questions I would like to ask. There is some concern that the entrenchment of property rights in the Constitution would disproportionately affect women. That's my first question, how you feel about that. We had some presentations this morning where it was argued that women, because they aren't the primary property owners, may have their rights impacted by a protection of property rights. That's the first question I have. The second one is with respect to environmental protection, which may not meet your test of "the use of the land to its fullest utilization." I'd just ask your comment on those points of view, both different from your own.

MR. GOGAL: Madam Minister, first of all, your first question with respect to women. The property rights issue is based on whoever's name appears on the title. If there are any dower rights or whatever type of rights are involved, that won't make any difference as to what the rights will be for the individual that's registered. So that part will look after itself from that standpoint.

MS BETKOWSKI: Including, for example, divorce? That would apply?

MR. GOGAL: Sure, the dower right applies.

Secondly, with respect to the environmental issues, that's why we state in our presentation that we understand that naturally property rights have to fall under whatever municipality constitution there could be, that there'll be some restrictions on development, and that goes with zoning or any type of, I guess, upscale for a use rather than what the existing use could be. We appreciate and understand that in light of those comments – and environment could be a big issue, because we think that in the 1990s environmental issues will be the most popular indoor sport for the legal profession over the next number of years. So that's something that obviously we have to deal with, and we appreciate that and look at that. However, if we take a look, and I mentioned in my remarks with respect to the RDA and the province of Alberta . . . I mean, we have a report that has gone to the federal government through an individual by the name of Gaylord Watkins out of Calgary, who is a constitutional lawyer on the property rights issue. There's no doubt when we look at the RDA situation in the city we're sitting in today, that has created some major problems for landowners in the RDA. Even though there may be some environmental issues we have to look at, there are ways around these environmental issues to correct them and therefore allow these people to enjoy the ownership of what may be down the road for them in their land.

12:01

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Mr. Chairman, I know Gaylord Watkins' material was referred to us previously. I'm not sure whether we've received it yet, and I'm wondering if it would be possible to see that work. It would be very useful for us.

MR. GOGAL: We have a very extensive report that was put out by him that we have available. I can assure you that we will provide each and every one of you with a copy. It does not outline all the cases. As we found out when we started working on this issue a couple of years ago when John Reimer introduced the public Bill in the House of Commons, there were cases where people had asked us: do you have anything to base your information on? So when we did the study, we came up with numerous – numerous, I can tell you – cases across the country. He's outlined in there especially some cases in Alberta, because we've had some problems in this province. We will provide all that information.

MR. CHIVERS: Thank you. I'd really appreciate that.

I'm constantly delighted by the novel ideas that come before the committee. One of them in particular is intriguing to me, perhaps not in the context that you've presented it. It's item 7, which I believe is about page 3 or 4 of your brief, where you've argued in the context of initiating future amendments to the constitutional process, where there would be a possibility for people to override resolutions of Legislative Assemblies opting out of constitutional reforms. One of the concerns consistently presented to this committee is with respect to the notwithstanding clause, which is the ability of governments to opt out of Charter and constitutional requirements. This might be a formula that could be adapted to meet some of the concerns expressed about the notwithstanding clause. I was wondering if you'd thought about it in that context as well.

MR. GOGAL: Yes, we did.

MR. CHIVERS: And you would advocate that this be utilized as a . . .

MR. GOGAL: Absolutely. Sure.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. I appreciate the board making a presentation. Of course, I have been encouraging you to do that at the conventions, and you've certainly done that around the province. That's helpful to us.

I've discussed this issue with you from time to time, especially with Olivia, over many years, so you probably realize that my question and concern really isn't with respect to provincial authority versus federal. It's with respect to the interpretation given by the Supreme Court to those matters referred to it and the fact that that interpretation may give fewer rights or, at least, less ability to adjust them through elected representatives than through the legislative process. The reading I've done on other countries where it's been entrenched is that in fact you can find as many, if not many more, places where you could argue the rights weren't looked after properly as you can systems that are more responsive and able to respond through legislative change or through political pressure. So I guess my question would be: has Gaylord done any research on other countries and other places where entrenchment has been there versus just legal requirements, as we have here? If so, could we get that information?

MR. GOGAL: The answer to your question is yes, he has. We do have that information. One of the bases we arrived at in the final presentation in its current context was because of some of those issues. If you really relate to it today, when you take a look at provincial jurisdiction over the rights being entrenched in the Constitution . . . Let's get away for a minute from the Alberta situation and look at the Saskatchewan side right now with respect to farmland. The province of Saskatchewan, as we speak today, is having some major economic problems in the farming community. I believe there are some 25,000, or something of that nature, up before the farm review board right now because of economic reasons, and you and I sitting here as Canadians living in the province of Alberta cannot go in today and buy farmland and utilize it as farmland unless we live in the province of Saskatchewan. It makes no sense to me, because there are many, many people – and we know this through our association – from Ontario, British Columbia, Alberta, and Manitoba that would love very much to go to the province of Saskatchewan and buy some farmland as an investment. We've been able to show that over the past 30 years in any given 10-year increment real estate is the best investment there is compared to bonds, mutuals, equity funds, whatever there is.

MR. DEPUTY CHAIRMAN: It hasn't worked for me.

MR. GOGAL: Well, it has for the majority of Canadians.

Also, if you look at the province of Prince Edward Island, there's a perfect example. Prince Edward Island is in a situation where they could be developing a lot of coastline for Canadians to enjoy as opposed to having many people go to all these foreign countries and what have you on holidays. Take a look at Hawaii. If Hawaii had the same jurisdictions Saskatchewan and Prince Edward Island have, you and I wouldn't be able to go to Hawaii to enjoy the facilities they have, because native Hawaiians would not have been in a position to develop the country like they have. So we think there are many, many possibilities.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: That's fine. I've got . . .

MR. DEPUTY CHAIRMAN: Okay.

The Chair would like to make an observation or two. I believe on page 5 you are incorrect in your assertion that a municipality can expropriate property without compensation. I believe the Expropriation Act of Alberta is a pretty good piece of legislation that paves the way for the property owner to hire the best legal representation he wants, also appraisers, to take the case to the Land Compensation Board. I don't understand how you can say there is absolutely no protection from municipalities.

MRS. BUTTI: Mr. Chairman, I think what is being referred to is that there is no time frame when just compensation through expropriation has to be done. It can be dragged on for years and years and years, and Albertans for Property Rights has been negotiating with the Premier and cabinet for many years now, as have municipalities, to ask . . .

MR. DEPUTY CHAIRMAN: But, Olivia . . .

MRS. BUTTI: May I answer this?

MR. DEPUTY CHAIRMAN: Well, I would just like to point out that they are negotiating their grievances under the RDA problem. That is not for municipalities making expropriations.

MRS. BUTTI: Presentations we have made to the government have specifically asked that there be a time frame, that if any level of government expropriates any property, there be a time frame for when compensation has to be paid. The suggestion has been six months.

MR. DEPUTY CHAIRMAN: I have no difficulty with that at all, but I would like to make the suggestion to the Alberta Real Estate Board that I have been an MLA since 1986. I've heard various presentations saying, "Entrench it in the Constitution," but I've never heard any really effective lobby or persuasion of the provincial government to amend its own laws to protect the citizens of Alberta. I personally can say this, whereas some of my colleagues maybe can't, because I'm a member of a government: the RDA situation is a complete blight on this province, and this province should be ashamed of the way it has treated its property owners. I don't think you'll argue with me on that. But I would like to see a little pressure from the real estate people on where the problem should be solved instead of going off and saying, "Well, let's go to some other level of government that's further away to try to protect our people," because our people could be protected if there was a right for people affected, as they have been under the RDA in a terrible way, to force the government into expropriating their property.

MRS. BUTTI: Mr. Chairman, we have made presentations to the provincial government, as the members can state. We've done it formally through our meetings with them. It is a different issue here. We're asking how to change the Constitution, and that's what we tried to keep this paper to.

12:11

MR. DEPUTY CHAIRMAN: Well, I'm suggesting that the issues you're raising as they affect Albertans could be dealt with in Alberta without the necessity of trying to convince everybody else in the country to amend the Constitution.

MR. GOGAL: Well, Mr. Chairman, I agree with you, but they haven't been. We have made these presentations to the provincial government in this province over the past number of years. I'm going back now to when Mr. Lougheed was Premier. That was when the issue of the Alberta Bill of Rights came up, that Albertans were protected under the rights and the majority of MLAs were not prepared to even listen to our proposals, our presentations. It's only been in the past few years since we've met with some of your cabinet ministers, some of the different MLAs, that we've found that it's not true that the MLAs of this province are totally in support of the Alberta Bill of Rights. So we are prepared. I mean, we have been prepared all along.

MR. DEPUTY CHAIRMAN: All I know is that as an MLA since 1986, I have not received strong representations and lobbying of the provincial government. I've heard annual representations about changing the Constitution of the country.

MR. ANDERSON: I'm sure you'll get several calls now, Stan.

MR. GOGAL: You'll get more calls.

MR. DEPUTY CHAIRMAN: Thank you.

MR. GOGAL: Thank you very much.
Enjoy your lunch.

MR. DEPUTY CHAIRMAN: Thank you.

[The committee adjourned at 12:12 p.m.]

1:04 p.m. **Saturday, June 1, 1991**

[Deputy Chairman: Mr. Schumacher]

MR. DEPUTY CHAIRMAN: Would the committee come to order, please. Welcome to the afternoon and final session of this stage of the committee's proceedings. There has been some change in the members of the audience, so I'll quickly introduce the members of the committee so we can then proceed with the first presenter. As pointed out this morning, our available time has been divided into 15-minute segments. If you would like to have some dialogue with the committee, you must complete your presentation before the 15 minutes are up. But far be it from us to say how you make your presentation. The whole purpose for us being here is to hear from Albertans in any manner in which they wish to present.

On my far left is Barrie Chivers, our newest MLA, the MLA for Edmonton-Strathcona. Between Barrie and the next gentleman is John McDonough, our administrator. Beside me is the Hon. Dennis Anderson, the MLA for Calgary-Currie. Nancy Betkowski – she was on my right, but she will be coming back – is the MLA for Edmonton-Glenora. At the end of the table is Sheldon Chumir, the MLA for Calgary-Buffalo, and our host for the day, the MLA for Edmonton-Highlands, is Pam Barrett.

Welcome to everybody. We will now invite the reeve of the county of Strathcona, Iris Evans, and Sandy Lipka to come forward for the first presentation. Welcome.

MS EVANS: Thank you, Mr. Chairman. I am Reeve Iris Evans. Councillor Sandy Lipka has been doing a great amount of the work that you will see before you today. She is the chairman of the resolutions committee.

I'd like to begin by quoting from Eugene Forsey: governments in democracies are elected by the passengers to steer the ship of the nation. They are expected to hold it on course, to arrange for a prosperous voyage, and to be prepared to be thrown overboard if they fail in either duty. We are very mindful of that as we ponder the Constitution and also the role both the province and municipal governments play.

Strathcona county believes that Canada is a nation that should continue to remain united from sea to sea. We recognize and are proud that Canada is a multicultural nation. We believe people must be the driving force behind the desire to see our culture, our community grow. Different cultures must be guaranteed the right to exist and develop to meet their own needs, and all cultures must have the same powers and privileges to meet those needs. To do anything less would set these cultures apart as being greater or lesser than other cultures in Canada.

The political community, through its own decisions and legislative enactments, should serve the people. We have defined the role of governments not exclusively but as follows. The federal government of Canada should tend to matters of national and international concern. It is important that the federal government and its elected representatives consult and seek advice from provincial and local government authorities in order to more equitably and sensitively administer their responsibilities. As an example, appointments to the Supreme Court of Canada, a judicial body which makes decisions affecting all Canadians, should be made on the basis of input from all levels of government in order to fairly address the needs and concerns of all Canadians. Strathcona does not quarrel with the position cited in Alberta in a New Canada that identifies that the provinces should introduce members that could be available for appointment for the federal government's disposition in that regard.

The provincial government of Alberta should look after the provincial concerns of all Albertans. Matters of international and national importance which directly affect the people of Alberta must be attended to provincially. As an example, provinces are responsible for developing their own economies and their own natural resources and must – and I stress "must" – have a role in the negotiation of agreements that may impact on provincial jurisdiction.

The local government of Strathcona county, as all local governments, should be elected by local people and should serve the needs of those people within the authority given and as required and endorsed by the people themselves. We further believe that local municipal government should duly respect their neighbours and work co-operatively wherever possible for the betterment of all people in the region, not exclusively for themselves but in fact for the betterment of all people. We believe governments at all levels should co-ordinate their responsibilities to respond to the needs of all Canadians.

In a brief comment on fiscal relations, we believe that if Canada is to remain one nation and be progressive, an innovative system of government should be contemplated. The government that is directly accountable to the people should provide the services required by the people, and the government that is responsible for providing the services should be the government that raises the revenue.

We strongly support the position Alberta has taken on Senate reform. In trying to leave enough time for questions, I'll simply state that the triple E approach – elected, effective, and equal – provides a democratic basis for the Senate, sufficient powers to ensure that both Chambers of Parliament exercise their authority responsibly, and provides a greater voice in the federal decision-making process for less populous provinces. Communities, regions, and provinces will work together co-operatively when equity is ensured.

Now Sandy Lipka will present, and later, in conclusion, I'd like to reinforce our position on the triple E Senate with action we have taken in Strathcona.

MR. DEPUTY CHAIRMAN: Thank you very much, Reeve Evans.

Councillor Lipka.

MS LIPKA: Thank you very much, Mr. Chairman. On education, health care, and social services – and please note that in your presentation the written word is "fundamental." We believe it should be "basic." However, the computer didn't quite agree with us. It thinks basic is a little bit too BASIC. So I will use the word "basic," if that's permissible.

A basic and uniform standard of education, health care, and social services must be available to all Canadians. This can be negotiated between provinces and the federal government based on consensus at the municipal level and sensitivity to the local norms, values, economies, history, and culture. Once a basic and uniform standard is applied equally across Canada, local governments must provide the uniform standard as a service and exceed that standard at the discretion and support of local people. Mr. Chairman, I cannot stress too strongly a belief that is shared by the great majority of our community, a belief that parents have the primary responsibility for educating their children. It thereby follows that a central Canadian education institution would be remote at best from the community classroom.

On the environment and natural resources, provinces must have the right to manage and protect their natural resources and determine their economic future. The federal government should work with and draw on the expertise of the provincial government to develop environmental initiatives and goals that will be of global and mutual benefit. Provinces should work in partnership with the federal government in managing environmental matters, with each jurisdiction taking responsibility for matters under its control. At a local level, environment has been identified as Strathcona county's number one concern, and the children in our community seemingly have embraced this issue more than our adults. The schools are championing the three Rs, and we are striving to make wise regional decisions concerning the future of our people, our lands, and our disposables.

In summary, we respectfully submit, Mr. Chairman and members of the committee, that, one, Canada must remain united as a nation, proud that we are a multicultural nation and that all people have equal privileges and powers. People should be the driving force behind the desire to see Canada grow. Two, the triple E Senate is essential to ensure the same voice for all provinces in the federal decision-making process and acknowledging that we are in fact equal partners in Confederation. Three, all provinces must be constitutionally equal, with no selected right to veto being delegated to any one province. Four, basic and uniform standards for education, health care, and social services must be available to all Canadians. Provincial and local governments should be able to exceed those standards, should the people so require, and provide the resources to pay the costs. Five, the government that is responsible for providing services should be the government that raises the revenue. Today there is some uncertainty about the level of accountability in delivery of services to people. This sometimes results in universal blame for cutbacks rather than pride for results achieved. Services that are sponsored by two or sometimes three levels of government need to have funding initiatives clearly directed. Six, all levels of government must work together to develop environmental initiatives and goals of global benefit to people of both present and future generations.

1:14

MS EVANS: Canada should remain united, and the people must be allowed to control their own destinies through a voice in the government that is directly responsible to and accountable for their needs. We believe that if equity is provided, then the system is fair for the people. We believe that Canada indeed will be a nation strong and free when we join our hearts, our minds, and our wills together to serve our people.

As an appendix, Mr. Chairman, we respectfully submit a report that previously was submitted, our response to the Select Special Committee on Electoral Boundaries. Simply put, we have defined a compromise solution for Strathcona in its electoral representation which acknowledges rural, urban, and 'rurban,' that special population on the cutting edge of the fringe. I present this once again on this occasion because we believe compromise is possible, that demographics alone should not dictate representation. From the conclusion you may draw our belief in the triple E Senate. We believe every province should be represented as we have previously identified the three Es.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Reeve Evans.

The first questioner is Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Thank you for a very articulate, concise, and I think reasonable presentation with regards to the Constitution. I particularly appreciate your stand on the triple E Senate, along with others who have spoken. As the one who chaired the committee that defined it originally, it's gratifying to see that kind of support.

My question is with respect to the distribution of powers and the health care and education standards you speak of. The way I understand the brief is that you believe taxing powers should be with the level of government that is going to carry out the programs, so presumably the taxing power for health care and education would be with the provinces. Do you see the standards being established by the provinces and the federal government in concert or by the federal government alone?

MS EVANS: Mr. Chairman, Hon. Dennis Anderson, primarily by the provinces, because they are much closer to the people, and in the last 14 years of my experience, clearly the federal government has withdrawn significant levels of support. I think it would be fair to say we're somewhat surprised there is a reinitiation of interest in that regard, to move to a federal system. We do believe in a minimum standard of education available for all Canadians, supported in an extra fashion when those communities and the provinces are willing to pay for that.

MR. ANDERSON: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: If I might just pursue Mr. Anderson's theme here. You've indicated that you're very concerned about environmental matters. Let's postulate a situation where you've got a river that's a boundary between two jurisdictions. In this idea that the province would be responsible for the standards, what happens when you have standards that are in conflict with each other? How can you have national standards if you leave the decision-making power with the provincial governments?

MS EVANS: I'd like to begin, but I'd ask Sandy to supplement. We've actually had that circumstance, with the county taking a very rigorous position in opposition to Aurum. As you will know, that opposition stemmed from the concern we had for the river valley and the river and future generations. Federally, we saw concern expressed by other provinces. I think our position was that we wanted to encourage other provinces to get into the act, so to speak, but we believe local people must take that responsibility themselves and not abdicate that to some other level of government.

Did you want to comment from the environment committee?

MS LIPKA: Just further to that, what we were actually looking at was that at the national level there would be global types of issues. We consider that water, air – something that is global – cannot be controlled by just one province. As Iris has mentioned, if you have one municipality that's willing to do something and another municipality that isn't, nothing really gets accomplished. So we would see the federal government at that level. The provincial government would then work in concert with the federal government and with neighbouring provinces to establish further standards so the municipalities within the provinces are following the guidelines indicative to the province. We're not all the same. In Saskatchewan you have fertilizers; in Alberta, of course, we have the gas and petrochemical industry. Those are different concerns and have to be handled differently.

MR. CHIVERS: So would it be fair to say, then, that in a number of the areas you mentioned – health care, education, social services, environment – you feel there's a role for the federal government to establish basic standards that would be uniform across the country?

MS LIPKA: Very much so.

MR. CHIVERS: And that would not be left to the discretion of the provinces.

MS LIPKA: No. We really do believe that the federal government has to be involved. We are a very transient society, both today and in the foreseeable future. If there isn't some uniformity passed down from the federal government, then the provinces have no real direction they can go in and, therefore, cannot give any direction to the smaller individual municipalities.

MR. CHIVERS: That then leads to the funding issue, which is Mr. Anderson's concern. How do you fund these things? If you establish national standards, what happens in terms of "He who pays the piper calls the tune"? What do you do with things like taxation and raising the revenue in order to fund these programs?

MS LIPKA: In the education end of things specifically, and probably also with the environment, we see that the federal government could maybe release some of their powers or some of their determining standards by simply giving a guideline to the provinces. The provinces would be the parties to raise the taxes for the major initiatives and for the direction they would be giving. For example, in environment, with the NRCB they would do the taxing that's necessary to provide that commission, but at the same time, the work the municipality does would have to be raised at the local level. So there is a concert. I guess basically what it comes down to is prorating it.

MR. CHIVERS: I'd like to have time to pursue this, but I'm sure the chairman wants to move on.

MR. DEPUTY CHAIRMAN: Sheldon, would you like to supplement Barrie's initial . . .

MR. CHUMIR: I'm a bit concerned about the funding aspect and the statement that the government that's responsible for providing services should be the government that raises the revenue. I'd like to take, for example, medicare. Presumably we'd have federal standards, as at the present time, and the provinces then would be responsible for providing those services. In fact, that's what happens now. The provinces really make all the decisions re hospitals and so on. But if we say the provincial government should be responsible for raising revenue, what about a province like Newfoundland, that's so poor, that doesn't have the resources at this stage? In 20 years it may have the resources, but today it doesn't have the resources for the minimum standards. If you're saying that Newfoundland has to raise its own money for that, then it won't have a certain standard, and if you say the federal government is going to put some in, then you've already deviated from your principle that that should be the government that raises the revenue. I'm seeing us getting sandwiched into some federal funding.

MS EVANS: If I may, Mr. Chairman, to Mr. Chumir. I see Newfoundland as a particular case. They receive 47 percent transfer payments from the federal government at the present time and are in a unique circumstance where every dollar from Hibernia will displace a federal transfer payment. I think there has to be some acknowledgement in the Confederation of Canada for those provinces that have lesser than. Certainly Strathcona county didn't attempt to solve all the problems of administering the funding, but we really did believe – and I think probably the committee's emphasis was really looking at education and the fact that Strathcona has said no to corporate pooling and has not carried it further to examine the principle in depth, as you have with health care. The health care matter, I believe, could be accommodated. I think there is a compromise role necessary with all three levels of government, and as we've pointed out, we tend to feel we get into the greatest difficulty when those levels of authority and levels of funding are slightly diffused and not too clear themselves.

MR. CHUMIR: So you think there needs to be some firm clarification of who has the funding jurisdiction in these areas.

MS EVANS: As much as possible, I would say. Sometimes it's a little difficult to be as precise as you'd like to be in politics, but I would say as much as possible.

MR. CHUMIR: Given your Newfoundland example, I sense you don't have any real objection to the federal government having a funding role in these as long as it's precisely defined.

MS EVANS: That's correct.

1:24

MR. DEPUTY CHAIRMAN: Thank you very much. We appreciate your presentation; it was well-delivered.

Is Shane Venner present? If so, please come forward. Welcome, Shane.

MR. VENNER: I apologize for not having a written document for you people.

MR. DEPUTY CHAIRMAN: Some of our best ones have not been written.

MR. VENNER: I swear that I've torn up enough paper to make *War and Peace* look like a recipe.

I'd like to thank you for the opportunity to talk to you and to express my views on the difficulties that face our nation. Unfortunately, I have an hour and a half presentation to squeeze into 15 minutes, so I'm just going to have to skip a whole lot.

MR. DEPUTY CHAIRMAN: Would you like me to let you know when you've reached 10? I will if you would like, sir.

MR. VENNER: Thank you.

It's important to recognize that the human traits that make us equal and give us a common understanding are the same barrier that stands in the way of our really understanding each other. First, I have to define the existence of persons who, up to now, have not been recognized. I have to call these people the only thing I can, and that's the restive minority. These are the people represented by Harper, Manning, and Parizeau. These three leaders all represent the same type of constituents. These constituents are demoralized, disenfranchised, and disempowered. They look to their respective leaders as having a political force that they don't have, and they have surrendered some of their personal identity for the purposes of acquiring power. They didn't do so as a first choice; they did so only as a last resort. It's time we had a different kind of discussion, one that makes theological imposition of knowledge from the top just plain wrong. The leadership I'm talking about are not politicians. They're doctors, lawyers, social professionals, teachers, journalists, and artists. They've imposed their own ideas, without consultation, upon us as individuals.

I have a metaphor that might explain the position a little better. In a hockey game it's not as frustrating to be checked and have the puck taken away from you as it is to lose the puck by your own clumsiness. It doesn't hurt as much to shoot on the net and have the puck stopped by the goalie as it does to not be able to hit the net at all. We're finally realizing it's not because we're stupid; it's because our coaches don't know how to coach. We are desperately looking for a new kind of coach so that we can be a winning team again. Every time we change politicians, we change coaches, but it doesn't matter. The skate sharpeners don't change. The ones who bind our wounds don't change. Those who soothe our bruised and aching parts don't change. Those who pay our wages don't change. Those who tape and patch our ragged, nicked, and shattered armour don't change. Their unions are too strong and beyond the power of our inadequate coaches to fire or inspire.

We must understand that this restive minority does not feel as though they can control their own destiny, and they rebel, not against the other team but at not being able to play the game at all. Picking a fight with the other team is only a side effect. So to the restive minority it doesn't bother us as much to have an opposing team. It's more like not being able to skate forward, backward, shoot the puck, or make a pass. We feel inadequate and unable to do anything.

Our leaders: well, what can I say. I have thousands of descriptions, so I'll start with the doctors. The doctors have been fighting a losing battle, an unrewarding battle against dreaded thousand-headed dragons of disease. No sooner have they hacked and chopped one disease into remission than two take its place. Doctors have allowed the practice of medicine to decay into where a glorified bunch of knife-happy meat cutters rule our medical profession, where better medical care means more heads on the table to cut. The rate of caesarian section in this province proves the level of medical care in this province is not for lack of money. To allow our physicians and surgeons to have total control of the development of medical technology and treatment is a gross conflict of interest. This is only an example that once more our leadership did not listen to the people and has gone its own way.

Lawyers are, of course – how many times have people requested that our legal system protect the innocent and punish the guilty, and all we get are excuses and thousands of exceptions till we believe the innocent are never protected and the guilty always go free? Most often in recent years lawyers will tell us that the Constitution does not allow for people to have their needs fulfilled, but when the constitutional machinery was rejected and Meech Lake died, Quebec took that rejection personally. What we rejected was a Constitution, not French. The lawyers created the constitutional machinery to protect the people from the people. If that's not dehumanizing, what is it? To believe that a machine can tell a human being the definition of being human is a deadly mistake. The lawyers have an incredible arrogance and stupidity telling us that the machine is more trustworthy than human creations, our Parliament, and our representatives. The Constitution is fundamentally, by intention of its creators, a stupid, unthinking, blind, unreasoning creation, but it's supposed to be able to tell living, breathing creatures how to live their lives.

The control of the Constitution is out of the hands of most normal citizens. The people cannot change it. Time and time again the Constitution strikes down laws made by men for urgent human purposes. The Constitution strikes down those laws because our laws, our human laws, do not conform to it. We, the people, and our representatives do not compute. This, of course, is nonresponsive government.

The litany of social professionals: they have many problems. I can't get into them all because my time is short, but there is one other group of leadership which is most significant in this battle, and that's the journalists. If you ask them what makes democracy work, they give you hours on end of singing the praises of the free press, telling you in no uncertain terms that they are the linchpin of democracy and they are the only ones to keep everyone else honest. If you ask them who has the responsibility in democracy, they will point with all 10 fingers and both thumbs at everyone else. If you ask them why they have no responsibility, they will answer that they're just a talking head in front of a camera and nobody's stupid enough to listen to them.

The journalists have turned into professional buck passers like their bureaucratic counterparts. The French wing of the CBC made one 12-month old incident in Brampton a nightly reoccurring reality in the minds of their French viewers in the most blatant display of distortion and newspeak of our times. The television and its power is the only thing standing between us and oblivion, and it's controlled by professional buck passers. The separatists, on the other hand, have very intelligent, highly motivated, professional television separatists. They know what they're playing at, and it's not good journalism; it's separatism. It's time for us to embarrass the journalists into action. They are, as a group, at least partially responsible for the Quebec debacle.

The Indian question: intrinsic to our European heritage, we have an obsession with the need to own land in order to be free. That's what freedom means to us. The equation between owning land and being free is so much a part of our personal heritage that it's gone unnoticed. The present negotiations of Indian land claims, of course, have some very important implications. While most Canadians favour settlement of Indian land claims, they have no idea what that will mean. Most of them presume that those land claims will not impact their lives in any significant way. That might be true; for others, that might not be true. Those others fear that the resulting Indian land monopoly will be too large, and the nature of the Indian attitude as a good corporate citizen remains unknown. Other groups fear their economic rights will be eliminated and their human rights will also be in jeopardy.

The native peoples see themselves as demoralized and have seized upon traditional symbols to express themselves, just as we try to get back to the good old days. The bogeyman they have recognized is, of course, the white man. He's the one that's been standing in his way all along, and they have chosen a collision course, apparently, rather than a parallel destiny. Unfortunately, they've chosen to attack from all sides at once, and there appears to be nothing to gain for anybody that might have wished to make a deal with them. I don't personally believe that. I think they are willing to negotiate. They have also stated that no reasonable amount of concessions will be able to appease. I think that's posturing.

1:34

MR. DEPUTY CHAIRMAN: Ten minutes have gone by.

MR. VENNER: Ten minutes, okay.

The Constitution. There are a lot of problems with the constitutional battle, and they have been missed by many leaders. We fail to recognize the implications. First of all, the best the Constitution can be is a document that describes the end limits the legislative authority can do to an individual and also declare the distribution of power between other government agencies. It cannot tell people how to be people. It cannot, and people won't listen or even care when it tries. The Constitution cannot make a country what it doesn't want to be, that the people will not accept. The Constitution cannot guarantee rights; people guarantee rights. I've got to emphasize that again. There's no machine on this planet that can guarantee the rights of human beings except human beings. To believe the Constitution is superior to human control procedures is a dehumanizing and corrupting presumption. The use and abuse of the powers of government are a problem that can only be limited by a vigilant population always on guard against such abuses.

The creation of a pseudo machine that pretends to guarantee freedom and human rights by limiting human intervention is dangerous. It is more likely to lull the population into a false sense that something is already being done, not about the problem. It will simultaneously build resentment of unresponsive government legislation that doesn't listen to the needs of the people. Never, ever give an easy excuse to a bureaucrat to avoid making a decision. They'll use it first, not last, and the Constitution is the perfect excuse.

The federal government right now is experiencing a number of weaknesses, some of which were consciously chosen. The leadership role, because of the absolute need of the government not to appeal too strongly to any cultural group, is made very difficult for the federal government and all central governments, the provincial government included. Since the creation of the multicultural myth in Canada, this has been a problem and continues and will forever be with us. I did not originally agree with multiculturalism, since it does make loyalty to the central government inherently weak and it becomes unable to move various culturally centred groupings in any coherent direction. Even the greatest of the fiery speakers cannot inspire the same dream in different languages and appeal to cultural individuality at the same time. I have watched thousands of doctors, PhDs, philosophers, journalists, talking heads, captains of industry, and floor sweepers look with eyes transfixed to the one place that leadership cannot come from, and that is the federal government. Leadership has to come from our professionals, our leaders of our communities, our doctors, our lawyers, and most especially our journalists, because journalists have the greatest power of any professional group. They have more influence and more credibility than any group.

We cannot forget the weaknesses of Harper, Parizeau, and Manning. They're politicians too, and such politicians as they are always looking for the enemy on the outside. They're never vigilant against decay from within. Much of the problems of organization is mismanagement, and Kanesatake is no different than any other town council, only a little more angry and a little less vigilant. This is really missed by the journalists. They have not fully tried to express the restive minority's opinion. They haven't even, as far as I have seen, expressed some very valid criticism which they've had of the Quebec government and of the federal government. They just haven't been there. It's not tough to do; you just have to do it.

The constituents of Harper, Manning, and Parizeau are not a solid bloc. The restive minority are still individuals and still have their own identity. They will only surrender it completely to the extremists reluctantly. They don't trust the extremists to express them as individuals, only to hit back with the political force they don't have. They would rather accept an understanding government far off and noninterfering than accept a zealot on their doorstep dictating their future options and endangering and squandering any economic advantages they might gain for petty revenge and boastful posturing. I do believe the Indians are aware of this, and I do believe that ultimately I don't think we have a great deal to fear from even a sizable land claim.

As for the Constitution, what do you put in it; what do you guard against? Well, at the top of the Constitution in great big capital letters, I think we have to put: "I didn't do it. It's not my fault, and human beings should make their own decisions without me." Okay?

One other philosophy which I believe is most applicable would be that the most important contribution to peace a man can make is to maintain his own peacefulness. I also believe that land is not wealth; it is the people on the land that make it wealthy. I don't think we have anything to fear from losing half our land, because the land did not create the wealth. We did, we the people, not the Constitution, not the mining companies, not the logging companies, we the people. In spite of the fact that we've tried to strip everything we could off the planet, we create the wealth.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Shane. We seem to have gone a little bit over time.

MR. VENNER: My fault.

MR. DEPUTY CHAIRMAN: This table is here to hear you and allow you freedom of expression as you see fit to use it, and we appreciate your presentation. Thank you.

MR. VENNER: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter will be Marc Arnal for the Edmonton Multicultural Society. Welcome, Marc.

MR. ARNAL: We have a brief, which I'll leave with you following my remarks. I guess rather than read the brief, which is quite long, I'll just summarize its high points and maybe add the appropriate emphasis that may not have been added in the text.

For those of you who are less familiar with us, the Edmonton Multicultural Society is a nonprofit volunteer society dedicated to the promotion of diversity and understanding. We wanted to appear before you today for a number of reasons: obviously, to support federal and provincial initiatives in the areas of cultural diversity and cultural and racial equality; obviously, to comment on issues related to the distribution of powers in Canada, although it is not our main focus and not our principle area of expertise; perhaps less obviously, to support bilingualism, aboriginal rights, full equality for the disabled, and the full and equitable participation of women in Alberta and Canada. All these matters are discussed directly or tangentially in our presentation to you, and they will be put forward to you – and have been I'm sure – by organizations dedicated to each of those specific ideals.

Our main purpose in appearing today is to share with you our global understanding of the fundamental principles which underlie our society, which animate the Canadian Charter of Rights and Freedoms, and which are translated, albeit unevenly, into both Canadian and Albertan laws, policies, and institutional infrastructures. In our country's almost 125 years we have not yet defined our societal values cohesively. We have stumbled forward guided by our common sense, notions of right and wrong, and it has served us reasonably well to this date, so well that we are regarded as a model for citizenship around the world.

1:44

As we enter into this important phase in our history, we need to take stock of what we have become, of what makes this nation great and respected. We need a renewed and enduring understanding of ourselves, a set of commonly held ideals which can guide our negotiations and help us to find our way in the future. It's also time, I think, that we started treating Albertans like intelligent human beings, time that we shared that vision with them and let them decide the future as the responsible, caring, and decent people that they have always been. It's time to lay out the blueprint, basically, the values, to tie government programs to those values cohesively, giving all Albertans a sense of what the big picture looks like, the interconnectedness between such policies as bilingualism, multiculturalism, equality, et cetera.

Like all great principles Canadian values are simple. David Crombie expressed them most clearly as three interconnected, interrelated, interdynamic principles: equality, diversity, and community. Equality here means equity or fairness, not sameness; defined by some, academics among others, as equality of results. Every Canadian, every Albertan deserves an opportunity to participate with dignity in our society. This concept is well presented for Albertans with disabilities in the report of the Premier's Council on the Status of Persons with Disabilities. I think it asks some fundamental questions along those lines.

Diversity means that we support and encourage diverse perspectives as an enrichment of our society. Diversity is dynamic and enriching, but it can only work effectively in a context of equity. The Alberta Cultural Heritage Council some time ago developed a policy on economic integration of Albertans which lays out those principles quite clearly. Diversity also has a dark side, and I'm sure you've had that represented to you on more than one occasion. It can lead to social disharmony such as we are currently experiencing, but only in the absence of equity or of the third principle, community.

Community is our strong commitment to live together in respect and understanding of each other – in our organization we've declared a permanent moratorium on the use of the word "tolerance" – in a dynamic society characterized by openness, understanding, peace, respect, and growth. Are these not the very principles which have characterized Alberta's history and Alberta's regional culture?

Our diversity has been formalized in a number of ways reflective of our history. Bilingualism and multiculturalism are two of its manifestations, as is our commitment to aboriginal rights. Community is expressed through volunteerism, universal health care, fiscal equalization, universal access to quality education, et cetera. How many Albertans have been given the opportunity to understand our constitutional challenges in these terms? We may differ on what they mean in everyday life, we may argue about how fast we need to move towards these ideals, but surely we should agree on those principles. If we don't believe in the richness of diversity, if we are not committed to equality and community, let's decide that consciously. Albertans must be given the opportunity to understand our superior societal model, to discuss it. Let's put an end to our unfocused bickering on means, and let's focus on the objectives that drive those means: pretty basic stuff in organizational or other theory.

We in our organization are somewhat concerned by the Reform Party. We'd love to hear Preston Manning argue against those values. In our view the Reform Party is a frightening aberration which denies the very essence of Alberta's history and regional culture, preying on the fear and misunderstanding which have been fueled by our own failure to define ourselves coherently. Is it surprising that many Canadians, particularly in Alberta, are throwing up their hands in frustration? Is it surprising that Quebecois are fed up? I think not. Herein lies the greatest danger and also perhaps the greatest opportunity in our history.

Our message to you today is one of hope and one of fear. We urge you to focus on the objectives which have made us great. We urge you to encourage a debate on those common objectives. Only then should we discuss the means. We fear the alternatives and what we will become. The Edmonton Multicultural Society is dedicated to the promotion of these ideals. If we can be of any assistance to anyone in government, please do not hesitate to call on us.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Marc.

The first responder will be Pam.

MS BARRETT: Thanks.

This is your first call for help. I've been on the road for a week, and I must say that I have heard some comments, some of which were balanced when it came to the notion of getting rid of multiculturalism, some of which I believe certain people would find racist. I want to ask you how, if you were on our committee, you would handle this, because we have to be responsible to a lot of people. You know, when we go to the next round of hearings, guess what? The Legislature is open, you're all allowed in, and we've got to answer to all of you, including those who say: multiculturalism has been divisive; you're just standing up for those new immigrants. What do you say?

MR. ARNAL: Well, I think there's a couple of answers that I could give to that, one of which I'll borrow from David Crombie himself. I had the good fortune to sit at the drafting table when the Multiculturalism Act was drafted. David Crombie specifically directed his civil servants to make sure that the Act did not contain the word "ethnic." If you read the Multiculturalism Act, it speaks to the notion of cultural diversity. I can tell you exactly what Dave Crombie said. He said: Cultural diversity includes regional cultures; it's a policy for all Canadians; it can be ethnically-motivated diversity; it can be regional diversity; it can be any form of diversity essentially; it can be deaf culture.

The mistake, I think, has been to equate the concept of multiculturalism with ethnicity and race. That unfortunately makes the policy a policy for about one-third of Canada's population, and if you equate it to race relations, probably for about 8 to 10 percent. So I think if the notion were redefined in the spirit in which it was initially intended, there could be room in that notion for everyone. I would argue that the issue of divisiveness is only an issue if we're not committed to the common ideal of community. I think there's room for everybody's diversity in our society, and surely it doesn't take a PhD to understand the value of differing perspectives on any given problem or situation.

MS BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: Thank you, Marc, for your presentation. I wonder what you mean by equitable participation of women.

MR. ARNAL: Equitable participation of women? Okay.

MS BETKOWSKI: As opposed to equal.

MR. ARNAL: I'll give you a fairly concrete example, I guess. It's the same issue, but perhaps it would be more striking if I used the native issue. The oil companies in Alberta, for example, have been falling all over themselves to bring native employees into their organizations, and they've been very successful in recruiting and in the entrance. What they have been much less successful at is keeping those employees in the organization. They have an attrition rate that's astronomical. I would argue that that's partly because the equalization process hasn't been taken beyond the intake. The organizational work culture hasn't been adapted to reflect the perspectives, the culture, the desired working conditions, if you will, of those groups.

1:54

I would argue that the same thing is happening for women in a lot of our institutions. I worked with the federal government for a lot of years in the department that was supposed to be promoting the status of women, and it wasn't very successful. Why? Because women were less educated? No. Because women were less ambitious? No. Because our society is set up in such a way that when a woman leaves work for child rearing purposes, for example, that hiatus in her career results in a down-the-road effect.

I think there are all kinds of institutional barriers that need to be worked through. That would be, I guess, the big difference between equality and equity. I would say that if we recognize that women are going to continue to play certain roles in society primarily – and I'm not sure that we need to recognize that – then I think our whole understanding of our organizations needs to be modified to accommodate that understanding.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Marc, thank you for coming before us today. Although we've heard viewpoints that are contrary to yours, we've also heard viewpoints that support your view. You're not alone. You made the point that we need to discuss the points of commonality: what are our common goals, what are our common values, what are our common objectives. You've discussed them in terms of, for example, the equality value that you identified, and I think you made a very good point when you spoke of equality in the sense of fairness rather than equality in the sense of sameness. It seems to me that there isn't an agreement on the definition of equality. Now, how do we go about developing a basis of commonality, a common understanding as to what equality means?

MR. ARNAL: Well, I think there are some government institutions that have the responsibility of promoting those principles. Perhaps organizations like ours need to be encouraged and stimulated to do a little more of that global promotion. The definition of equality as equity I think is an emerging kind of definition. It's a result of people realizing that defining equality as sameness is an absolute rather than a relative, and I think one of the things about our society is that every application of every policy we have requires judgment. We'll always be arguing exactly what constitutes fairness, what does Quebec need to feel secure. Right now that may be one thing. In 10 years that may be something else; 10 years ago that was something else again. So I guess it's a societal model where it's very hard for us to stand up like the Americans do and say that we the people, blah, blah, blah, believe in this, this, and this. We believe in principles that need to be applied. I don't know how you . . .

MR. CHIVERS: Could I just put a solution that's been advocated in a number of different contexts, and that is the emphasis that's been placed even here today on education and understanding, the ability to experience other cultures, the ability to experience other ways of life and other values. Is there some way in which you can assist us in that regard?

MR. ARNAL: Clearly, I think that whenever somebody is talking about societal change, the first place one looks is the education system. I'm sure the former Minister of Education has heard all those arguments on several occasions. We can certainly work with the school system, but I think the education system itself needs to address those.

MR. CHIVERS: That brings me to the last question, which is the funding. There have been presentations both for public funding of multicultural activities and against it. It seems to me that if we're going to have education, there has to be funding for it, and I was just wondering what your views are.

MR. ARNAL: Yeah. I think I would say that within the existing educational system it's possible probably to do a lot more than what is currently being done. In my other life as a real person I'm a student at the University of Alberta in education and educational administration. Without being too critical of the U of A, in my PhD program I have been unable in my area to find a course on managing diversity or a course that deals with how to deal with diversity as an administrator. As I said, without being too critical of the institutions – I was teaching a group of fourth year education students, and I asked them how many of them in their program had been involved in any kind of training related to the promotion of diversity, how many of them had a dynamic understanding of what diversity was all about. Only those that had been involved in the special ed sector, which deals specifically with what's now called exceptional children, had any access to that. So I guess the answer to your question isn't necessarily more money. Maybe it's just doing better things with the money that we do have, and it wouldn't require a major refocusing. I think it would just require some tinkering. It would require some imaginative programing in the schools. Obviously, I think organizations like ours, to the extent that they're committed to the bigger picture and not just promoting a narrow self-interest, could also be valuable allies.

MR. CHIVERS: Thank you.

MR. DEPUTY CHAIRMAN: Sheldon.

MR. CHUMIR: Thank you very much, Marc. I would like to echo the view that's been expressed. We've been hearing a lot of people saying that whatever we've been doing with respect to multiculturalism, we've been doing it in the wrong way and focusing on divisiveness. I was quite fascinated by your thoughts that, if I understood you correctly, the focus on ethnicity is really a much narrower focus than was originally conceived and that you perhaps had in mind. Multiculturalism generally, certainly in my mind's eye, has been identified with ethnicity, and I'm wondering whether or not, if there is value to those programs of a government hands-on role in promoting diversity, we should be changing the term, whether multiculturalism hasn't been identified with that ethnicity irrevocably.

MR. ARNAL: We have spoiled a lot of good words, I guess, in this country. Perhaps that's the solution. I guess I had to come to grips with this myself. I'm a French Canadian. I was born in Manitoba and raised in Manitoba, and I spent some time in the east and couldn't get back fast enough. I have no desire to live anywhere else than in the prairie provinces because that's my home. I guess I've been arguing quite a bit with my own community about multiculturalism. For example, I think the Francophones like to see themselves as different, as somehow one level above other groups. I guess I've resolved that dichotomy in my own mind through a discussion I had some time ago with Manoly Lupul, formerly of the university and the Ukrainian community. Manoly said: If you speak French in western Canada, you're basically promoting two different things; you're promoting a language, so you've got a constitutional responsibility, if you will, or a validity to your language, but you also have a responsibility to your culture.

Culturally I see myself as part of the diversity, much the same as the Ukrainian community or other ethnocultural communities or the western community in general. You know, I learned about western culture when I moved east. We just do things differently around here. I tell you, I like it better here.

2:04

MR. CHUMIR: You mention that that may perhaps be the solution. We've been hearing another view expressed, and that is, if I can perhaps paraphrase it, that in terms of public policy we have so many problems as a society simply bringing people together that our focus, in terms of public policy and funding, should be on bringing people together, bridging the differences in education, and that we shouldn't be focusing in public policy on those elements that maybe satisfy the cultural needs of different groups but would tend to divide them. We should leave that to the groups. Create a climate in which they can really enjoy those, but with limited resources. Public policy should focus on the community and the understanding aspects.

MR. ARNAL: I would make a distinction between government policy and government programs. I think the programs should be directed to those that are most in need or those that are most at risk in a society. However, I think policies need to be made for all Canadians. I guess you could probably argue that in society right now the various racial communities and ethnocultural communities are more, if you will, at risk in terms of their ability to contribute to the diversity than are the proponents of the regional cultures in the various regions of the country. It's almost a contradiction, but by acknowledging diversity as a unifying principle, I think you get rid of a lot of the divisiveness that's potentially inherent in it.

MR. DEPUTY CHAIRMAN: Well, thank you very much for your presentation, Marc.

MR. ARNAL: Thank you very much.

MR. DEPUTY CHAIRMAN: Our next presenter is Michael Hermansen. Welcome, Michael.

MR. HERMANSEN: I'll try to speed this up a little, and rather than reading my paper by rote, I'll just try and go through it.

I'll say that my basic thought is that Canada is not a nation, it's a remnant of a colonial empire, in that a nation is a group of people who think they are descended usually from some past heroes, and they identify with these heroes and this makes them one. Canada has never been in a position where any of its citizens were heroes in this way on behalf of Canada.

Canada was put together by the British armed forces for the benefit of the Treasury of the British Crown. This was done mostly because at the end of the American Revolution there were a bunch of people who had been loyal to the British Crown living to the north of the United States, and over some period, the British set these up. I'm talking now about the people whose philosophy has dominated the government of particularly Ontario but also to some extent the maritime provinces; in other words, the English parts of Canada. These people were given sway over all of North America that the English had. In other words, I say that they were given sort of the empire franchise for northern North America by the British. Anytime they got into any sort of trouble, like with the Riel Rebellion for example, the British would dispatch some officers to mastermind repressing this rebellion. Then of course I go on to other examples.

For example, when the Ottoman Empire was broken up after the First World War, many nations were grouped together in countries, and in many of these countries one group was set up as the owner of the country, the rulers of the country. Of course, the best example is the Sunni Muslim Iraqis, led by Saddam Hussein, who were set up to be masters of all of what's now Iraq, including the Kurdish people to the north – that's a different nation – and the Shia Muslims to the south, and they have pretty well run the whole country for their own benefit since then. Another example, of course, is Lebanon, which is another country that's had serious troubles because it consists of several nations.

Then you've got, for example, Nigeria, which has something like 70 different tribes who speak 40 different languages. There the way it worked out was that the Hausa from the north, from the desert, were set up as the warrior chiefs, and the Ibos, who were Christians in the southeast, were set up as the civil service. They were able to keep that country together only for a short time before they had a very serious civil war.

Another example is South Africa, which quite visibly has many different groups in it, but of course the British figured that whoever they left the country to would be able to rule it in the same way as they had.

Another one is India, Pakistan, that whole area, and Sri Lanka, where national boundaries were set up without a lot of regard for the different nations that were inside there.

You've also got Greater Colombia, which was left behind by the Spanish when they vacated their American empire. Greater Colombia broke up into four different present-day countries over a period of almost 100 years.

Yugoslavia was left over from the Austro-Hungarian empire, and it now looks as if it's going to break up into national countries.

The ancient Roman Empire broke into two. First there was the east Roman or the Byzantine Empire and then the west Roman empire, and over the centuries many of those nations eventually got their real freedom.

In Australia and New Zealand, of course, you had nothing but British settlers and very few aboriginal people, so these people were able to rule the whole area.

I also go on to describe exactly how a national group is born. You have, for example, the English. They have a long line of heroes going back to King Arthur. The Israeli read about their emotional and perhaps in some cases physical ancestors in the Old Testament. They know that they are the same group of people, and they're going to fight for their turf. In Scandinavia you've got the same thing with the stories of the old Vikings. Of course, I mention again the Americans, who look back upon the people who fought in the revolutionary war.

In this way we can list a lot of different countries, but we can't list Canada because there has never been a war in which Canadians fought only for Canadian survival. Canadians were part of the British army in the First World War, and sure, they were given some recognition. I think they were given their own corps in the Second World War, but basically they fought in an Allied war. They didn't fight for Canadian territory; they fought for somebody else's land.

In Canada, of course, we do have national groups. We have the Quebeckers, for example. They have their heroes like Dollard Des Ormeaux and a host of others who fought for French Canada, and they identify with these people. They feel that they are Quebeckers, and they would fight for Quebec. Newfoundland, it's little known, is much the same. They are descended from a bunch of pirates and people who snuck away from the British navy and the fishing fleet and eventually had their own nation. In western Canada, of course, we are different from the rest of Canada, but we don't have the national roots yet. I mean, no western Canadian has really fought for western Canada. You can mention Louis Riel, but most of us don't really emotionally identify with Louis Riel. But we have all of the physical requirements for keeping a nation afloat.

2:14

I think what we have to do is make sure that western Canadians can never say that they've been shortchanged in the Constitution or political process. For this we have to be very vocal to defend the west. We have to try to adopt whatever national symbols we can find. Of course, they are several. One is the proposal at the Premiers' Conference in Lloydminster last year that the western Canadian governments get together and collect their income tax rather than letting Ottawa do it. Another one would be the flag of western Canada. There is a flag of western Canada. It's my lapel pin, if you want to see it. I think I have some bumper stickers with it here. This is the flag of western Canada, and it could be utilized just as well as Quebec has utilized its flag. It adopted the flag as a provincial flag in 1948. If you look back, you'll find that that was really the beginning of the modern nationalistic movement in Quebec.

The other thing I say is that authority has been continually distributed away from the capital of London, first to Ottawa to some extent and then more and more towards the provinces. This is a natural process that will occur as chunks of an empire break up further.

There are many things that we should do. One of them is that we should look for more western control over things like the environment, because this is becoming a very important thing in government, and it is the source of many things that can be done to discriminate from one region to the next. In other words, a central government could sit and use environmental reasons to hold down economic development in one part of the country to the benefit of another.

Anyway, I think that in a nutshell is what I'm trying to tell you.

MS BARRETT: You had a very interesting thesis, and I enjoyed it, although I'm going to make a joke and tell you that I'm a daughter of two Newfies, and I don't think they want to be called pirates.

MR. HERMANSEN: Well, ask them about, for example, Mr. Goodyear. I have lived in Newfoundland for three years, and I know that this is a great source of pride, that these people took on the British navy, they moved to Newfoundland, and they founded the nation there.

MS BARRETT: It's true. You're right about one thing; Newfoundland did have its concept of nationhood.

My question is totally unrelated, I think, to the substance of your presentation except for the last part. What is this, please? What is this west Canada? Is this a movement, a party, what?

MR. HERMANSEN: I can give you this.

MS BARRETT: Thanks, because I don't know about this at all. Am I the only person on the committee that's . . . Okay. Well, I have to read this. I'll spare the audience, but I suppose if anybody wants to look at it, you can come up and look afterwards.

MR. HERMANSEN: Okay. I have a couple of copies here.

MS BARRETT: I didn't mean that in a derogatory sense. I meant that I won't take up the time of the people by reading it. But if anybody wants it, they can come up and look.

MR. HERMANSEN: That's fine. I have looked at the clock too.

MR. CHIVERS: I was just going to say that Pam shouldn't feel too bad. Australians are accused of being descendants of murderers and criminals.

MR. HERMANSEN: That's right, and they're proud of it.

MR. CHIVERS: That's true.

MR. DEPUTY CHAIRMAN: Are there other comments?

Well, Michael, I'll say thank you for your well-prepared and presented presentation. The Chair always appreciates somebody who can live within the rules.

MR. HERMANSEN: You're very welcome. Well, we engineers are not schooled in debate and writing and so forth, so I'm very happy with what you've told me.

MR. DEPUTY CHAIRMAN: Thank you, Michael.

Our next presenter is Clarence Truckey on behalf of the Westlock constitutional study group. Clarence, welcome.

MR. TRUCKEY: Thank you, Mr. Chairman and members of the Legislature. The Westlock constitutional study committee has a number of suggestions for improving the Constitution and thus the governance of Canada. We'd like to emphasize two main points, and I would start out by stating those two. We feel that the greatest problem we have today in Canada is the ability to change the Constitution, the amending process, and we have a suggestion for that process. The second basic premise we have is that the governance of Canada should be once again taken back to the people, and we have a process and a methodology for doing that.

With regard to the amending formula, Mr. Chairman, we don't have a lot of trouble with the present Victoria formula, but it seems to have gotten a bad reputation, and thus we would attempt to come up with something that seems to be more democratic, if you wish. You'll see the outline that we have there. It is basically that we would have a constituent assembly in Canada. It would be an ongoing and annually meeting body made up of 72 members, the constituents of which would be six from each of the 10 provinces, six to represent Yukon and Northwest Territories, and six representing the native people of Canada. From the provinces we would suggest that the makeup would be two from the Legislative Assembly, two from the academic community, and two from the public at large, which we will call outstanding citizens.

As I said, this constituent assembly would meet annually, and following its deliberations and the ideas for change that it might present, there would be then annually a vote, a referendum, on the recommended changes to the Constitution. This process, of course, depends upon modern technology, and we propose that every Canadian be issued a voter card, a computerized voter card. We feel that with modern electronics and computerization this can be effected very easily in our country.

This process that we're recommending we feel has the following benefits. I should point out, Mr. Chairman, that I am not reading the brief but I'm skipping through it. If there are any questions, I hope that you will pose them after I'm finished.

First of all, this kind of constitutional change process removes the process from the sphere of partisan politics and special interest groups. Secondly, we achieve a degree of direct democracy not hitherto available to Canadians since the very earliest of times. Thirdly, we make by this process the Constitution a living document that is easily changed and becomes again the property of the people. Not mentioned here but inherent in this, of course, is that there would be no veto to our Constitution by any province as such.

With regard to the things that we think need attending to, Mr. Chairman, in the process of amending and to be ensconced in the Constitution, we'd suggest the following areas needing special concern. Firstly, in the area of federal/provincial responsibilities we believe that there needs to be a clarification and a simplification of the responsibilities of our two senior levels of government. We think that the basic responsibility of our central government, the federal government, is to set basic standards and that the provinces should be allowed to enhance, build upon, and make more effective those basic standards for the country.

We have listed here a number of areas. I'll not go into them, but we would see the areas of responsibility in Canada broken into the three traditional ones. That is to say, certain areas of federal responsibility such as trade and defence; there'd be certain areas, such as the organization of local government and the natural resources, as being strictly provincial. Those areas, though, that would be combined and to which I referred as being basically a responsibility of the federal government and to be enhanced by the provincial legislation would include the environment, education, health, transportation, and industry. We have set out some ideas within those which you may want to question me upon later.

As an aside, Mr. Chairman, we think that taxation with the derivation of taxes from within Canada should be the field of the provincial governments exclusively, and the federal government should be required to give reasoning and good logic for accessing whatever amount of taxation is required from the citizens of Canada. Of course, taxation on trade and so on would remain a sphere of the federal government.

2:24

The second area we think needs some tidying up is the area of making government more responsible, and again we'd emphasize that what we would do is move the greater power to the people, via the referendum, and the voter's card would be crucial to this process. We would suggest that many basic issues – and we can think of things like abortion, the GST, and so on – could be referred to the people and could be decided with a referendum to the people. Some other ideas, though, that we think are worthy of consideration in the matter of making government more responsible are, firstly, that the federal government should be subjected to a fixed term of office, probably four years. This of course would eliminate the ability of the Prime Minister to manipulate the electoral process. Second, we think that recall has some value, and not, shall we say, too easily done but by due process. We've outlined a process there for you. That is, 10 percent of the electorate in a given constituency could require a vote that a referendum be held within 30 days following such a petition, and it would require 50 percent of the electors to recall a member.

We think that free votes in Parliament are a good idea and that this could be done, except for declared lack-of-confidence Bills, without upsetting the process of governance. Once again, referenda on basic issues, such as the ones I mentioned earlier, could be referred to the general populace.

We would also, Mr. Chairman, like to support the idea of the triple E Senate, and once again, we think this number 72 has a magic value to it. The numbers would be six per province, six for the Northwest Territories and Yukon, and six for native peoples. We think that perhaps having an election every two years on a rotating basis for the Senate would keep a vital and ever fresh viewpoint coming from the people to the House of sober second thought. Perhaps you read the editorial in the *Journal* today regarding regional senatorial representation. We do not agree that that is a good move. We think that it's better to have the balance by the provinces. Even though P.E.I. has only a hundred thousand people compared with the 10 million of Ontario, we believe that's the real purpose for having the equal Senate and feel that that should be maintained. It does not follow that because P.E.I. has an equal number of votes, they have a veto.

In the matter of bilingualism, Mr. Chairman, we would submit that yes, Canada should be a bilingual country, but not of any one second language. We believe that French is not the only language that should be taught in the schools and that French should not be federally imposed upon the population. We think that the way it has been done recently has been fractious and unnecessary in non-French Canada. We think, though, that English should be the official language of Canada, since English is fast becoming the international language, and if Canada is to take its place in the 21st century, we need to be able to maintain good business and government communications with the English language. As I said before, the provinces, beyond the matter of there being a second language, should be allowed to choose which languages within their boundaries may be developed, and I think it should be wide open and encouraged. For instance, in Thunder Bay it may be Finnish, in Vegreville it can Ukrainian, and in Cape Breton it might be Gaelic. This should be a widely divergent bilingual country.

Finally, Mr. Chairman, the federal government should get out of the business of bilingualism as it has been done up to this point and allow it to get back to the multicultural groups and allow the provinces and the municipalities to do whatever accommodation, rather than initiation, is done in this area. We base our thinking on this – and multiculturalism I think somewhat follows, but particularly the French fact and the problem of Quebec in Canada – on the basis that western Canadians are not really a part of the Battle of the Plains of Abraham/Quebec Act syndrome, and we feel that this has been foisted upon us and we should be allowed to more readily recognize the many multicultural groups in Canada.

Moving to multiculturalism, then, Mr. Chairman, we would encourage cultural diversity in Canada and enrichment that comes from the heart and not from the government. We feel that it should be financed by the local groups, perhaps by provinces and municipalities to an extent, but the federal government should get out of the business of multiculturalism as it has been done in the past, much like with the bilingual initiation that was mentioned before. School boards should be encouraged also in this area, as in bilingualism, to give the opportunity for a variety of multicultural experiences to students, and this can be done, we think, without taking away the idea of the total mosaic. Even if it is Ukrainian in a given community and Finnish in another, we can still be aware of the total enrichment of Canada by this mosaic. In finality, I would just say that under this area of multiculturalism/bilingualism we feel that yes, Canada should be a multicultural country in a bilingual framework, but the bilingual part can be any second language.

The final area, Mr. Chairman, we would like to comment upon is the Charter of Rights and Freedoms, and in this regard, despite the spate of criticism that the Charter has had of late and the number of court cases based upon it, we do feel that this document is the one that raises the possibility of life in our country being at the highest level of democracy. We feel better to err on the side of democratic rights rather than on government repression. The notwithstanding clause we feel should be retained for a time to allow provinces to accommodate special circumstances. We think that the five-year reaffirmation provision does require that governments continually reconsider the override provisions of the Charter.

In summary, then, Mr. Chairman, we believe in Canada as it is presently constituted, and the thought of losing our distinct Canadian culture is abhorrent to us. We believe that all regions of the country must approach the current constitutional crisis with a spirit of understanding and compromise. Above all, it is our belief that by returning the nation to a more direct democracy in which all people participate, a unifying spirit is promoted.

We'd like to thank you for this opportunity. We feel in our case that just having had to go through this process and the process that is going on and will continue to go in Canada is of benefit because we all get to know a lot more about our country and our Constitution.

I would just then finally refer you, Mr. Chairman, to the list of our committee members on the back page and point out to you that there's one misspelling, I'm sure. That should be, in number 5, Seatter, spelled S-e-a-t-t-e-r. And perhaps some misnomers: we have "retired housewives" down there. I suspect that many housewives would protest that they are never retired.

Thank you.

2:34

MR. DEPUTY CHAIRMAN: Thank you, Clarence, for a very well-organized and well-presented brief. There are three members who have indicated a desire to question you. I would remind the members that we have used up our 15 minutes, so I'd ask you all to bear that in mind when asking your questions.

MR. CHIVERS: With that in mind, Mr. Chairman, I'll confine myself to the one question, although there are a number I would like to ask.

Clarence, first let me see if I understand your brief. I think you were suggesting that English would become the official language of Quebec and all of Canada. Is that correct?

MR. TRUCKEY: That is correct.

MR. CHIVERS: That there'd be no constitutional recognition of the French language, even within the province of Quebec?

MR. TRUCKEY: Not a special recognition; yes.

MR. CHIVERS: And that it would be constitutionally required for the province of Quebec to adopt the English language. I think yours is the first brief that has gone that far. Most of the people that have been opposed to official bilingualism and the Official Languages Act have at least conceded to Quebec the right to decide its own language within its own boundaries.

MR. TRUCKEY: Well, I think the basis, Mr. Chairman and Barrie, is that we don't think we can function very effectively in the world of business internationally without having a facility in the international language, which is English.

MR. CHIVERS: Well, I understand your position.

MR. DEPUTY CHAIRMAN: Thank you.
Nancy.

MS BETKOWSKI: Thank you, Mr. Truckey. I agree with you that public consultation and public education are very much part of the same thing. I thank your group for coming together. I'll just pick up on Barrie's point. I think it hinges around division of powers, because what I hear you saying is: to the provinces give local government, natural resources, and language and culture.

MR. TRUCKEY: Yes.

MS BETKOWSKI: Hence, while declaring English as the language, Quebec would be free to develop a program in its own province with respect to, presumably, the French language. Is that a correct interpretation of what you're saying?

MR. TRUCKEY: Yes, that is the way we would see it.

MS BETKOWSKI: Further, then, when you suggest on pages 3 and 4 about the division of powers, you talk about national standards with respect to education and health. Are you suggesting as well that the current jurisdiction over education and health, which rests with the provinces, be transferred to the federal government?

MR. TRUCKEY: I think, Nancy, that what we're saying throughout is that there should be a re-examination of the responsibilities of the two senior levels of government, and the traditional thinking that education is basically only in the sphere of the provinces may need to be re-examined, and that as with others, like health and environment, we have a need to have some national standards. There's no reason why the provinces cannot enhance, improve, et cetera, et cetera, upon those.

MR. DEPUTY CHAIRMAN: Sheldon, does that cover your area?

MR. CHUMIR: No. I was interested in Mr. Truckey's discussion of multiculturalism, the view that this should not be funded. There's a section there on education. I would assume from the general tenor of Mr. Truckey's comments that he would not be in favour of funding separate schools for different ethnic groups, with the basis of those schools being to encourage the maintenance of their culture and diversity, that that should be their own responsibility. Is that fair?

MR. TRUCKEY: I guess the honest answer is that we did not get that far into the problem. Our basic premise here throughout is leave the big decisions up to the people, and we'll leave the mundane decision-making up to the politicians. However, I think it's a critical point, and I'll try to address it. That is, I believe that there should be a greater responsibility on the cultural groups to provide education in their cultural area, and if that means a somewhat separate school or a special school, then that responsibility should fall to the cultural group. In general I believe that that would be the position of our committee.

MR. CHUMIR: So if you were asked, for example, as to whether there should be public funding, say, of private schools to that end, to promote retention of culture, language, or religion, you would say that that should be their own responsibility and not a public responsibility?

MR. TRUCKEY: Well, I think we have said that schools should be encouraged to have exposure for students in the area of multiculturalism, and that may be a special emphasis for a given culture. Having said that, I think that it follows that the Department of Education, doing its thing beyond the basic standards of the three Rs, perhaps, would then have to decide what amount, what degree, of funding would be allowed for the ethnic – and I don't mind that term at all – or cultural study that would be allowed by a school board in a given area. I think there should be a lot of diversity, a lot of opportunities for different cultures to be studied.

MR. CHUMIR: But are you saying that this should be within the framework of the existing school system as opposed to separate, private schools for each of these groups whereby they would be on their own with public funding?

MR. TRUCKEY: Yeah. I think that within the province the best position for our Department of Education to take is that we'll provide X number of dollars for cultural study, exposure, et cetera. If a given group wishes to go beyond that, then I believe it should be their responsibility. If they wish to have a completely private school, that is their own business, and they may want to do it.

MR. CHUMIR: But when you're saying X dollars for cultural pursuits – I just want to make this clear, because you've said to withdraw the financing of the cultures. I wanted to make sure it's clear that funding for cultural pursuits is going to the school system and not to these groups, failing which there's, you know, an inconsistency.

MR. TRUCKEY: I think what I've said, Mr. Chairman, is there would be a basic allowance, if you wish, within the total educational budget for this kind of thing. When the magic number is exceeded, it would be the responsibility of a given cultural group to provide other opportunities beyond that, and that would include private schools.

MR. DEPUTY CHAIRMAN: Thank you very much, Clarence.

MR. TRUCKEY: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter is Betty Becker.
Welcome, Betty.

MS BECKER: Okay. Let me just note that I'm not with any committee or anything; this is just on my own.

MR. DEPUTY CHAIRMAN: On your own.

MS BECKER: Okay. The first and most important, I think, reform to be considered is federal decentralization, so to speak. With more responsibilities being pushed on the provincial and municipal governments, the need for a central government seems less justified. We should seriously look at splitting federal powers into more provincial powers, giving the provinces more powers on how they want steps for deficit reductions, balanced budgets, and overall needs for its people, because each province is different and has different needs. In the Constitution it states that the federal purse is to distribute all moneys, et cetera, evenly to the provinces, and I don't think that's being done, given the state of provinces' purses, you know.

I don't think that we should carry the burden any longer for a federal government who doesn't think solely of its constitutional obligations. I think maybe that without as much third-party involvement we could see a drastic reduction in the overall deficit within three to five years. Also, we should see a better economy and a stronger dollar if we see less of this foolish government spending. I also would like to add that if the above can't be done, then we should look at the possibility of changes within the House. We have to put an end to this party line politics that the government has right now, for a true democracy. All social reforms should not be part of this party line process but it should be up to our elected officials to speak on behalf of all of us people who have elected people. The only thing that should be party line is money Bill issues, as far as I'm concerned.

2:44

Secondly, we should add to the Charter of Rights and Freedoms the public's right to all information regarding government dealings. There are just too many hidden agendas and government cover-ups, and I think we all know what's going on up there with our heads of governments. We should also reserve the right, since referendums cost too much money, for elected officials to speak for us out of this traditional party line politics. It's we ordinary people who give the government its paycheques, and I think we have the right to be heard on all issues that affect us.

Third on my list of recommendations is the justice and legal system. This is quite long, but I'll just try to make it shorter. First, we should bring back capital punishment for first-degree murderers. Along with this process there should be allowed a one-year appeal until they are on death row. In that time the convicted murderer will be allotted that appeal to prove his innocence. I feel that this would decrease the amount of criminals that we have to feed and clothe with our tax dollars. Maybe the money saved there could be enough to expand on victims' programs. We did not commit these crimes, and I don't think we should have to pay for it every time someone has committed one.

Another issue I'm going to touch is a fairly sensitive issue. It's in regards to mercy killings. I think we should allow for that for terminal or life-support patients who do not want to be in this world anymore for whatever reason, and this would in turn probably help our sagging health care programs. To spend all that money on one patient who doesn't want it or won't be benefited by it seems kind of senseless when there are so many other people out there who could use this system and be saved with simple surgery or whatever with the machines.

We have to look at our extradition law and policies. The system we have now, as far as I'm concerned, just wastes money and continues to make Canada a criminal haven. I suggest that the government kick up their heels on this issue and stop wasting our dollars by allowing foreign criminals to evade justice in their own countries with the help of our extradition laws. Send them back regardless of what penalties they may face. Also, the courts should be given a freer hand in punishments. I really do believe that this insanity plea just allows murderers and whatever to evade the full punishment for their crimes. We all know that anybody who could commit crimes of such seriousness would have to be a little bit insane, but not to the extent where they don't have to pay for it. We also need stiffer penalties, not just slaps on the wrist, for certain crimes.

I'd also like to touch a little bit on the Quebec issue. I really don't have much to say about this, but I think that if this problem is to be rectified, we have to compromise with Quebec. There should be no special powers to Quebec other than the fact that the Constitution should recognize them as a society within a society, giving them the right to their own language, if that's what they want. Other than that I feel they're as equal as the rest of us in every other province, and they shouldn't be given any special powers or vetoes or whatever.

Another issue I'd like to bring up is aboriginal rights. If anyone deserves these rights, it's these people. A long time ago their leaders gave up their freedom of the land and they gave up their language, and today it seems to me that they're still paying for that. They've stripped these proud and brave people long enough. We have to give them something, because I believe that they are the true Canadians. They still have their own visions of justice and beliefs. It's been that way for them for hundreds of years, and I don't think they're going to be changing in the future. In the Constitution it states that aboriginal peoples have to be consulted on further constitutional amendments, and I sure hope the government sticks to that. These people should be given a section in the Constitution that allows them freedom of their aboriginal justice and to live free within their own treaty rights and personal beliefs. In regard to Oka last summer, they were fighting for a piece of land which they said was a burial ground. Now, if they have their own people buried there, it's obvious that that was their land at one time and there should be some kind of concession stating that they should get that back. I think we can learn a lot from these people because they do live off the land. They should be consulted for environmental causes and stuff like that.

Finally, I think we should have a serious look at our immigration laws. If we don't put a cap on this situation right now, we're only going to be inviting more problems in the future for Canada. It is already happening. Some people might say that they take our jobs, and gangs come along and they hurt our people. They come here and they live by their beliefs without any regard to Canadian ways. Examples of this might be the Pakistanis joining the RCMP and crying rights when they can't wear their turbans instead of the traditional RCMP garments. Second would be the Sikhs insisting on wearing their daggers, and they cry religion. You know, every time these immigrants don't get what they want, they call human rights. When they come here, they should understand that this is Canada and we don't have to adjust our ways of life for these people that come here.

I think we should seriously look at cutting the amount of immigration that we allow into Canada. It's obvious by the state of immigration that they can't keep up with the flow of immigration that we have already. You know, there's too much to handle. I believe that in allowing so many entries from hostile countries, we're inviting increasing terrorism, gang wars like we have here in Edmonton: the Vietnamese fighting each other with guns and knives. I think we have the right to first be charitable to our own people and then look at immigration. After all, charity begins at home. In regards to the immigrants who are already here, they should be expected to improvise. What they do in the privacy of their own homes is their business, but what they do outside is the public's business. If they can't accept that upon entry here, then maybe they shouldn't be here. I believe that our government is too soft regarding immigration laws and makes it too easy to come here. Something has to change within the immigration laws.

Just a couple of little pointers that I'd like to add are in regards to duties on Canadian borders. Why can't we have duty-free borders in Canada? After all, we pay it into one pocket anyway. What sense does it make to charge Canadians for Canadian goods manufactured in Canada?

I also believe that before this new Constitution or a new Canada is formed, we should have a federal election and let the people decide who they want to represent them in this new Canada.

In conclusion, I'd just like to add on a personal note that if the government we have now would really like a chance at gaining our trust back, they take these meetings that we're having here very seriously and give us what we want in a new Canada, or I don't think there will be any hope for Canada really being united. Throughout history Canada has been the envy of the world. We have all the necessary resources, and we have a lower crime rate per capita in the world. It would be just sad to see Canada in such political unrest, and I don't think it can get any better unless something is done with these meetings. I believe that if something doesn't happen, we could see a downfall in this country like we've never seen before. Separation could become reality really fast in all the provinces. I believe that if things are this bad today, what are we going to leave for our children? Are we going to leave them high inflation, ballooning deficits, and higher unemployment? I'm here to help with suggestions today to maybe help out our children tomorrow. We can't go on leaving these problems for our children to handle. I mean, our parents left it for us, and now we're going to leave it for our children. We have to get a grip on our country today, before it slips away from us.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Betty.

MS BECKER: There will be a copy of this. It's in full. I've just pointed out certain things, so I'll just send you copies as to this speech of mine.

MR. DEPUTY CHAIRMAN: If you'd like to leave that copy with John, he will reproduce it for us.

MS BECKER: Okay, great. Thank you. That's in its entirety. I just stepped on my pointers, but it goes into detail.

MR. DEPUTY CHAIRMAN: Thank you, Betty. I guess on behalf of the committee we'd like to thank you for the time and effort that you made in delivering a very clearly expressed presentation.

2:54

MS BECKER: Well, this is just on personal views, and I believe that something has to be done, especially with immigration and our legal system, and something done within the House of Commons.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you.

The next presenter is Barry Breadner. Welcome, Barry.

MR. BREADNER: Thank you, Mr. Chairman.

MS BETKOWSKI: Have we got it?

MR. DEPUTY CHAIRMAN: Yes; we have copies. They were sent out this morning. It looks like this.

MR. BREADNER: Yes, Mr. Chairman. I just had three pages. May I proceed?

MR. DEPUTY CHAIRMAN: Yes. Please proceed.

MR. BREADNER: Mr. Chairman, ladies and gentlemen, may I first of all say how grateful I am to have this opportunity to speak to you and that you are all taking the time to do this as part of your Alberta responsibility.

You'll notice that I start my brief submission saying that I am a citizen of Canada resident in Alberta. I still consider myself first of all a Canadian citizen, although as a prairie boy I would have to say that my Canadian feeling has been eroded over the years somewhat. I want to focus on just two things, because I want to put forward some constructive suggestions today. I think we need those so badly in this country at this time.

The first thing that I address in my report is the need for national institutions and symbols, and I have racked my mind as to how we can try to improve those things in our country so that people can find things that everyone identifies with and that we can look to as a Canadian symbol or institution. I've picked out of this the monarchy.

I am a monarchist, but I quite frankly don't think our monarchy is working very well for us anymore. I think there are probably a number of reasons for that. I think the French-speaking people in Quebec see our Queen as the Queen of England rather than the Queen of Canada, and I also point out in my report that I think the appointment of politicians to the position of Governor General and Lieutenant Governor – this goes on repeatedly nowadays – gives these offices a distinct political appearance. If you would look back at the last three Governors General, we have now a former Conservative, Mme Sauvé was a former Liberal, and Mr. Schreyer was a former ND, and they all came out of a political office within months or years of being appointed to this position. I think that unfortunately gives the office a colour. Not that those people haven't served their country well or aren't good people, but it's just that it brings that aura to the office. The monarchy's greatness, I think, is that it can be above the political realm, and I think we're failing to do that in the way that we have been using this office for the past few years.

In my report I say that we should create a Canadian monarchy. I didn't say to you what ideas one might have there. I try one on people, which gets some interesting reactions, to say the least. They seldom come back with anything; they say, "Well, that's a good idea, yes; but I don't know." The idea is this: I think our leaders should go to the Queen in London, and they should say, "Ma'am, this isn't working for us, you know, you being Queen of Canada; it's not really working out for us anymore, and we want to change this institution. What we want to do is we want to ask Edward to come and be King of Canada, but the condition is that he must marry a bright, articulate, and personable young French-Canadian woman." [laughter] I got the reaction that I usually get.

There are lots of monarchies around in the world today that were started with different approaches than that, and they work very successfully. I personally favour a rather low-key monarchy, something like what the Netherlands or Scandinavia has. If you look at these – for example, the Norwegian monarchy was founded by a Danish prince and a British princess; that was the beginning of that monarchy in this century. You can look at Spain, where I think the King of Spain probably saved democracy for Spain in recent years. Belgium has a monarchy that holds it together. I don't think we should dismiss this idea out of hand. There may be some better ones, but I think what I'm saying to you today is that the institution needs rejuvenation.

If we can't rejuvenate the institution, then I think we should consider discarding it, because I think it's more a source of division now between English-speaking and French-speaking Canadians than it is a source of national pride or institution.

My second point, ladies and gentlemen, is on the charter of responsibilities. I've listened with great interest to how people have responded to our Charter of Rights and how they see things happening since the Charter of Rights has been invoked. I also have some personal feelings on the way the legal system is taking us with this Charter of Rights. I think there's a need for a charter of responsibilities to be incorporated into this so that people don't just say, "Give me my rights," or "I expect my rights." People should also be thinking in terms of "What responsibilities do I have to society and to this country?" so that there's some balance in this document rather than the kind of one-sided direction that I think is currently in it. I also suggest this would take us back to more of the spirit of the BNA Act, which said we would have "peace, order and good government," and not the emphasis on the individual and freedoms that were in the American charter created 200 years ago.

I think these are very important things for us to do because we are in a very international world. We are in a northern hemispheric climate where we have tremendous pulls and pressures upon us. Unless we're able to create some of these institutions and make them work for us to differentiate us from our neighbours, I think that we will simply fall into the orbit. I've had the good fortune of living away from Canada now for some years and returned just a year ago, and it's quite remarkable to see the change in Canadian society, even in five years, how we have become, I would say, more Americanized in our speech, in our attitudes, and so on.

Mr. Chairman, that's all I have to say. I'd welcome any questions.

MR. DEPUTY CHAIRMAN: Thank you, Barry. As a member of the Monarchist League of Canada for over 20 years, I'm quite interested in your comments with regard to the monarchy. I think I'd want to keep fighting for the institution quite a while before saying that we should discard it, but I am very interested in your suggestions of how to make it a more Canadian institution.

MR. BREADNER: Well, Mr. Chairman, I am very strongly monarchist in my personal feelings. I think there's a great deal of history and things to be proud of in that, but I have to, as a Canadian, say that I just don't think it's working for us anymore.

3:04

MR. DEPUTY CHAIRMAN: Any further . . . Pam.

MS BARRETT: Yeah. In the hot tub and razors department, I'd like to ask about this unitary state you propose if we can't succeed in either regaining national symbolism to pull us together or getting our Charter to include responsibilities. When you talk about the unitary state within the North American context, do you envision this would happen in the event of Quebec's separation, if it did, or/and is this something you envision being strictly Alberta or western Canada, or is this, like, a last resort, and hot bathtub and razors?

MR. BREADNER: I'm not sure I understand your hot bathtub and razors.

MS BARRETT: Suicidal.

MR. BREADNER: What I'm saying is that I think we're looking at a North American unitary state. If we can't find things that we can be proud of as Canadians, that we identify as Canadians, and institutions that differentiate us from our neighbours in a meaningful way, then I think we will simply drift into the orbit. I think we should take the initiative and do it.

MS BARRETT: Yeah; okay. Sorry. I wanted to ask the Quebec part first.

MR. BREADNER: Okay. I think if Quebec leaves us, it would hasten the problem.

MS BARRETT: Do you think it's inevitable? That's what I'm asking.

MR. BREADNER: Well, I'm not sure it's inevitable. I'm not sure anything is inevitable. But I think it would make it much more difficult to retain our identity as Canada. I sort of made my first suggestion a bit tongue in cheek, but I'm serious too. I think if French Canada were a part of our monarchy – you know, they could identify that it's part of them – that would be one of the few things we've got that everybody could look to and say it's ours.

MS BARRETT: Of course, you can see the difficulty.

MR. BREADNER: Well, madam, I've been living in a society for some years where arranged marriages are the custom. I might say they work very well.

MS BARRETT: Not a choice I'm likely to make. Thanks.

MR. DEPUTY CHAIRMAN: Well, thank you very much, Barry. I appreciate your participation and your presentation.

The next presenter will be Winston Gereluk of the Alberta Federation of Labour. Welcome, Winston.

MR. GERELUK: Thank you. I taught school for a while, Mr. Chairman, and I learned in the school system not to hand out material when you wish to talk because the students will be busy flipping through the material when they should be listening. This is a 17-page document.

MR. DEPUTY CHAIRMAN: Naturally you're going to highlight it then.

MR. GERELUK: That's right. That was completed only because I got quite rude to some people.

I've just returned, Mr. Chairman and ladies and gentlemen, from the 35th annual convention of the Alberta Federation of Labour. At that convention, which came under the slogan of reclaiming Canada, a lot of the matters you're discussing or you're hearing being discussed today came to be discussed. The paper that was put together was put together in the last four days, based upon the kinds of discussions and resolutions that emerged. So I will do my best to highlight some of them.

First, I just want to apologize that Don Aitken isn't here. He was supposed to be here, but it's the nature of leadership of the labour movement that you go where the crisis is the deepest. It's the nature of working for the labour movement that you don't bother to complain, when asked, that it's a nice June day. Of course, I'm complaining to the wrong people.

The paper you have before you addresses many of the constitutional questions that we've heard discussed and that we discussed over the last four days. On the matter of Quebec, for instance, we go to some length to talk about some of the constitutional basis, some of the historical basis for the constitutional guarantees we feel the people of Quebec have the right to expect. We express surprise that we have amongst us people who would go about tearing up historical guarantees and contracts as if they meant nothing, be they for the people of Quebec, the aboriginal people, or any other group of people.

We don't think that's the way society should operate.

On the question of western alienation, we go at some length to talk about the roots of western alienation, and the roots are very deep. I suppose the major point we make there, one thing that should not happen, is that western alienation should not be exploited as a basis for tearing Canada apart further, but rather we should be looking for ways to overcome some of the good historical reasons people have for feeling we've gotten the short end of the stick in the west and steps taken to correct those.

What we spend a long time talking about at Federation of Labour conventions and elsewhere are some of the basic economic relationships that rule people's lives. I suppose the basic question to be asked here is what type of economic philosophy should form the basis of our Constitution; whether or not the people drafting our Constitution, the new Constitution that's sure to emerge, should be following the dictates of an economic philosophy that is devoted to a totally free market. We claim that if that's the case, there's not very much chance for Canada at all. By the measure of this economic philosophy, Canada has little reason to exist.

It's clear to many of us that from the beginning Canada was nothing if it wasn't an artificial contrivance, that if we were to follow things people are fond of referring to by the metaphors of natural lines, free market, things like that, Canada would not have existed. The cross-border shopping: we think there's a certain awful truth in the cross-border shopping that's taking place. We think there's deep economic truth in that, and if you look hard enough in the long lines of cars of shoppers, you can see the end of Canada. The will of the people or at least some people originally and throughout the decades, as expressed in government, evidently asked that there be a Canada; otherwise, we would not have had one. If the guarantees for the continued existence of this country are not to be embedded in the Constitution, then where shall they exist? We think the Constitution is the obvious place.

We're facing two economic crises. The first is the economic crisis that is created or at least exacerbated by a national government that is addicted to this free enterprise economic philosophy that I think and we think spells the end of Canada. If they are addicted to the very thing our forefathers spent a lot of time either trying to counteract or enhance when they created Canada, then they're addicted to the end of Canada.

There is little mistake, it seems, that there are at least two areas of federal government that have held this country together, and both areas were very carefully constructed. The first is the area of government programs, the kinds of programs that at least to some measure intended that there should be equality of conditions across Canada from coast to coast, that people should enjoy some equality-of-life opportunities no matter where they live. When we talk about this area that's held this country together, the federal government has been ensuring some degree of social programs, some subsidiary programs such as economic stabilization and regional development programs that have ensured some equality of economic activity across Canada, some control of financial activity, and some preservation of culture. Those are the areas I refer to as basic government programs.

The other area of federal government that has been basic to, first of all, the creation and then the continued existence of Canada is that area that speaks to the ownership or regulation of key institutions that provide the infrastructure for the Canadian way of life. Here it's quite clear that without the expressed will of the government, we would not have had our transportation systems and we would not have had our communication systems such as the post office. We would not have had some of the institutions that ensure that at least there is some expression of culture across Canada that if not uniform at least can be identified as Canadian; for instance, we might talk about the CBC under that one. It seems to us that all these basic government responsibilities and areas are being dismantled. We're hard pressed to find one area of life supposedly to be guaranteed by the federal government that hasn't been turned topsy-turvy in the last while, all in the name of such things as free trade or the federal debt or whatever bogeyman is used to convince us that we should happily give up an aspect of our way of life.

I think and we think that the second economic crisis arises from even more basic economic relations governing people's lives. We think in the last while there has been a dismantling of public policy, guarantees, and programs that have protected Canadian people from at least the most fundamentally predatory and inhumane aspects of an economic system that if allowed to run wild would, you know, place everybody in essentially an economic jungle.

3:14

We have lived in Canada and worked in Canada in a framework of shelters and guarantees that has made Canada a significantly superior place to live and work than the United States, for instance, or at least parts of the United States. We think that what has happened in the last while – and we can speak to any area here – is that these guarantees and shelters have been torn away systematically, exposing us totally. For instance, where are the guarantees to quality health care or quality education if we continue to go in the direction that apparently has been laid out in the last few federal budgets? There are no guarantees eventually, and in fact more and more as we go in that direction, we get statements from high-ranking Canadians that that indeed is the way we should go.

Where are the protections and the guarantees of at least minimally decent work that have typified the Canadian way of life and distinguished it from the American when, for instance, free trade, especially the type of free trade agreement we are now negotiating relative to Mexico, exposes us to the misery of working life in Alabama or in Mexico? Surely nobody needs – or if they do, I'd be happy to provide them with documentation backed up with pictures on the nature of working life in parts of Alabama and parts of the Maquiladoras along the Mexican border. We do not need to experiment to find the answer to the question of whether simple, unbridled competition yields humane and minimally decent working conditions. That experiment has been run many times around the world and throughout history. We only have to read books on the early industrial revolution in Canada to find out what happens when society and government do not make the express move to protect working people from that sort of thing.

We believe the relationship between employer and employee is the basic relationship in society. Really, the type of work you do largely determines who you will turn out to be or what you will be like as an individual. It also determines to a large degree the type of society you will live in. So anything that presses for lower wages, and we're fond, of course . . . If I were an employer, I suppose I would look for ways to pay lower wages. Lower benefits: for instance, when you contract out work instead of holding on to permanent work, your benefit costs are much lower or nonexistent. Anything that sort of suggests that cheap consumer commodities is in itself the desirable direction we should be going we think is wrong-headed. You're not talking about lower wages, lower benefits, cheap clothing, and other commodities. In the final analysis, you're talking about the type of society you want to live in. If employment is that basic to the type of society, we should expect to see guarantees in the Constitution of Canada that provide for what I like to call minimally decent standards of working life.

But in fact there is no statement of workers' rights in the Constitution. There is a fundamental freedom of association provided for, but Supreme Court decisions have told us that that's largely a hollow right. You have the right to association, for instance, but neither the object nor the means by which you achieve that right are apparently guaranteed in the Constitution, and certainly the rights for unorganized workers we don't see articulated anywhere in the Constitution. So we feel the first answer to that is a statement of workers' rights, which is also spoken to in the paper I've handed to you.

The second thing that we think should be required in the Charter of Rights and Freedoms and in the Constitution is that anytime an international trade agreement is negotiated, something akin to the European Social Charter should be provided for in it. You cannot have a situation . . . Well, yes, you most certainly can, and there are situations. Let me reword that. It's not desirable to have a situation in which remaining competitive depends upon simply bidding down the price of labour and the quality of life. In Europe they may not be successful in implementing it, but at least they've stated the intention that that should not happen. States within the European Economic Community cannot simply attract investment in a holus-bolus way, allowing a bidding down of the price of labour and the quality of life in that society. We think that's the desirable direction to go.

There are other recommendations we make in the paper. Probably the only other one I want to mention is that we shouldn't allow the final report issued by the Liberal commission in Quebec . . . The name of that commission escapes me.

MS BETKOWSKI: Allaire.

MR. GERELUK: That's right. . . . to form the starting point of our deliberation. We think that's fundamentally the wrong starting point. Of course, it's jumped on by provincial governments all over, because that's the starting point many of them had expressed as desirable for themselves. We think the correct starting point is that we should desire to keep this country together and keep it uniformly together as much as possible.

That really is the sum total of my presentation. I thought I only had 15 minutes and thought I had exceeded by about 5. Okay?

MR. DEPUTY CHAIRMAN: You used 15 minutes exactly, Winston. Nevertheless, Barrie wants to ask a short question.

MR. CHIVERS: The Chair is going to indulge me here, because we really are under time constraints.

I think you made a very good point at the start – and this is the one area I'll address – with respect to historical contracts. I think that's a proper context to put it in, in terms of language rights and in terms of treaty rights for aboriginal peoples, and I wonder if you could just clarify that thought, expand on it a bit.

MR. GERELUK: Well, I could best clarify it by reading what I have written here, Barrie.

MR. CHIVERS: No. If you've covered it in detail in your brief, don't bother then.

MR. GERELUK: That's right. You know, I taught school for a few years until I ran out of money. It seems students are not taught about the Quebec Act, the Constitution Act, the various Acts which for whatever reason existed politically at that time. The people of Quebec were guaranteed a certain identity, a certain basis for the types of rights they're claiming these days. However, in presentation after presentation – I've listened to a few – these are referred to as somehow special rights that are being requested. In fact, they are historical guarantees that should not be discarded that easily.

The Alberta Federation of Labour has talked to the three sides of the Quebec labour movement – the CNTU, the QFL, and the teachers – and we'll be organizing a major conference this fall where we're bringing leaders of the three labour movements together in Alberta to talk about how we might resolve some of the differences that have arisen to provide a basis for Canadian life.

MR. CHIVERS: Thank you very much.

MR. DEPUTY CHAIRMAN: Thank you very much, Winston.

MR. GERELUK: Thank you.

MR. DEPUTY CHAIRMAN: The next presenter will be Adil Shiuji. Welcome. Excuse the pronunciation.

MR. SHIUJI: It's okay.

MR. DEPUTY CHAIRMAN: The Chair is always subject to correction.

MR. SHIUJI: Mr. Chairman, this is my first time, so I hope you don't mind. I'm very nervous.

MR. DEPUTY CHAIRMAN: Don't be nervous. We won't bite.

MR. SHIUJI: Mr. Chairman, it is a pleasure being here this afternoon. I am delighted that the government decided to call the public hearings. I was disappointed that the government chose not to do so in 1987. Last year our Prime Minister rolled the dice at the eleventh hour. We all know what was the end result. The other party that must share part of the blame is the CBC. In my opinion, the CBC used scaremongering tactics and chose to report only the pro-Meech side.

3:24

Mr. Chairman, the future of this great country is at stake. In the upcoming months and weeks we as Canadians must decide what kind of Canada we want. Do we want a Canada that is made up of 10 Canadas and two provinces? My answer is no. I believe most Canadians want a strong and united Canada. I believe in a strong central government, that the federal government must retain its powers in difficult times; for example, that you take it from the rich and give it to the poor. For a province like Newfoundland, which has the highest unemployment, the federal government should take from the rich and give it to Newfoundland. When in a few years the economy of Newfoundland is booming because of Hibernia and if Alberta became poor, the federal government must have the powers to take it from Newfoundland and give it to the have-nots.

Mr. Chairman, I have concerns in five areas. My first is the opting out in Meech Lake. No provincial government should be allowed to opt out of national programs, but if the provinces choose to do so, the federal government must not compensate. If the feds do compensate, we will be faced with the same problems as we are faced with with the lottery revenues, which are being used by the provinces as a slush fund.

My second problem is when Don Getty talks about the triple E Senate. Our system is based on a parliamentary system, not a presidential system. The Prime Minister must appoint Senators, just as the House of Lords in London.

Third, the distinct society. We all have different meanings of "distinct society." To the separatists in Quebec it would mean it is their God-given right to tear this country apart. I urge the government to tell the federal government that no one objects that Quebec is distinct, but it must very clearly tell Quebec that because of its language and culture, et cetera – or the federal government should ask the Supreme Court of Canada to define "distinct society."

Fourth, under Meech Lake the Prime Minister said that the provinces should submit names of a person or persons whenever there's a vacancy in a province. The provinces should not be allowed to submit names of persons to sit on the Supreme Court. The provinces will only submit a list of party hacks. The PM must appoint the best qualified persons with or without party loyalty.

The fifth point is immigration. It is regrettable that the federal government has already signed to give immigration powers to Quebec. It is now preparing to do the same with the other provinces. It is with regret that the federal government will no longer be involved in providing integration services re language and culture. But Quebec will handle these services and will receive reasonable compensation for doing so. In regards to the expansion of unanimity, I think it should require approval by the federal government and by seven provinces representing 50 percent of Canada's population.

Finally, there are those who say, "Let Quebec go." I say to them that most Canadians understand that the departure of that country is a crime against humanity.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. Adil, you did very well expressing your point of view, and we appreciate that. You came out very much against a triple E Senate. I can be blamed for the proposal since I chaired the committee that recommended it to the Alberta Legislature. If you don't believe in that or the provinces' involvement, would it be fair to say that you don't agree with the original purpose of the Senate as set up, which was to represent the provinces in the federal decision-making process, remembering that Canada was establishing a federation as opposed to a unitary state like Britain? Would that be fair, that you don't think there's a need for that upper House to balance the population control of the House of Commons?

MR. SHIUJI: I've heard that with two from each province – say, in Alberta, you elect from Edmonton east and Edmonton south. If you go to Ontario, there's a population of 5 million. If you go to Quebec, there's a population of 6 million. So who's going to represent the other people?

MR. ANDERSON: Just for your information, the proposal in Alberta was that six Senators be elected from each province at large. Each province would select the same number regardless of the population.

MR. SHIUJI: I think I like the way it is now.

MR. ANDERSON: You like the appointment.

MR. SHIUJI: You've got to have it by population.

MR. ANDERSON: So you don't feel there's any need for regional input?

MR. SHIUJI: No.

MR. ANDERSON: Okay. Thank you.

MR. DEPUTY CHAIRMAN: Barrie.

MR. CHIVERS: Thank you, Mr. Chairman. I just wanted to come back to one of your starting points. I think you made a very good point that sometimes gets lost sight of, and that is in terms of the federal government's equalization functions with respect to regional disparities. You pointed out that there are shifts – for example, offshore oil in Newfoundland – and that eventually the balance could change and maybe Alberta wouldn't be a contributing province; it might be on the receiving end. I want to thank you for bringing us back to that point.

MR. DEPUTY CHAIRMAN: Thank you very much, Adil.

MR. SHIUJI: Thank you.

MR. DEPUTY CHAIRMAN: Our next presenter is Warner Gretz.
Welcome, Warner.

3:34

MR. GRETZ: Thank you very much. I have just a few short notes here, and for simplicity's sake I think I'll just read them off.

MR. DEPUTY CHAIRMAN: Well, that's fine.

MR. GRETZ: My name is Warner Gretz. My wife and I live near Clyde, Alberta. We make our livelihood by doing janitorial work, building management, and maintenance.

Now, I addressed myself to the questions as they were written up in the paper. The first one was: what kind of Canada would you like to see in the future? I would like to see a more united Canada. In order to achieve that, I believe we must place more emphasis on our nationhood being Canadian, not on being descendants of one ethnic community or another. Most nations have been built from a diversity of ethnic groups, but only those that will reach full nationhood in a political and economic context, as opposed to a cultural and ethnic or religious one, will prosper and, in the end, survive. Our federal government must emphasize their role as an agent and promoter of a national government. We must cease catering to ethnic communities as a means of promoting Canada. It doesn't work. It has never worked in the past.

The Constitution of Canada should only address itself to Canada and Canadians, not hyphenates. Differences that exist must be addressed and equalized on an economic basis, not on an ethnic one. Native peoples' land claims should be settled and compensation paid on a reasonable basis without conferring autonomy or rights of nationhood.

The Constitution of Canada must reflect unity of purpose If powers are to be divided, they must be divided evenly, with every jurisdiction at the same level, having the same authority in the same field. Standards for service must be the same across the country, which means that the federal government must be in a position to enforce the rules by fiscal contribution; in effect, transfer of payment. I would like particularly to refer to the extra billing furore here a few years ago when the federal minister of health threatened to withhold transfer payments to Alberta if extra billing was legalized. Everybody must be the same across the country. You know, it's unfortunate that the federal government did not show the same steadfastness when the province of Quebec announced its language policies.

Now, the second question was: what kind of changes would you make? Well, I would like to see the reorganization of our federal government by way of a triple E Senate in which all provinces are represented equally. This Senate would take the place of our current federal/provincial bureaucracies and save public money. I would like to see provincial status conferred on the territories. We really don't need colonies. Let the native peoples run the department of Indian affairs with the understanding that it will be phased out within a specified period of time and that by that time they must have put into place programs that will integrate natives politically and economically into Canadian society. From the beginning the understanding must be that the only sovereign government in Canada is the Canadian government. At all levels of government ways must be found to reduce the size of administration by reducing the number of departments and personnel so that we can afford them.

The Bank of Canada must be made to be more receptive to political input so that monetary policy can be set to accommodate the economic needs of Canadians and not just the perceptions of one man, the governor of the Bank of Canada.

Universality should be maintained in social services. I believe that the bureaucracy required to check and maintain selectivity would cost more than universality. However, that is just my perception. Welfare payments, particularly amongst younger recipients, should be dependent upon those individuals' taking and passing upgrading courses in economically viable fields.

Political and economic goals should be set to reflect the needs and wants of the majority of Canadians, not the perceptions or the desires of a specific minority. Here I would like to get particularly into the cost of bilingualism and biculturalism. It never worked and it was never designed to work, since provincial politicians in Quebec opted out of it with the language and sign laws. That soured the mood of the rest of Canada and deepened the divisions between ethnic groups. I would like to point out the cost of bilingualism and biculturalism. It costs us $500 million a year. Now, the lifetime earnings of a nurse or a medical technician are about $1 million over a 30-year career. Over 20 years bilingualism and biculturalism have cost us $10 billion. That would have bought us the lifetime services of 10,000 nurses or medical technicians and would have prevented the closing down of hospital beds and operating room facilities. I suggest that future policies be set to accommodate the reasonable demands of a majority of Canadians, giving consideration to proven and well-thought-out ways to improve the lives and conditions of Canadians.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Warner.

MR. CHIVERS: I'm going to refrain, Mr. Chairman, given the time constraints.

MR. DEPUTY CHAIRMAN: Well, thank you very, very much for your presentation.

MR. GRETZ: Okay. Thank you very much.

MR. DEPUTY CHAIRMAN: The next presenter will be Charles Pei, is it? There's some question whether we've got the name right. Is it P-e-i?

MR. PEI: I thought you were bilingual. You've got both.

MR. DEPUTY CHAIRMAN: Welcome, Charles.

Well, in one document there there was a p-e-c added on to it.

MR. PEI: Six letters rather than three, so I thought that's bilingual.

MS BETKOWSKI: It's Prince Edward Island.

MR. PEI: Yes. That happened twice.

I'm here just as an ordinary citizen. I don't talk about this high-powered business; I just talk about some common sense. First of all, I'd just explain a little bit. I was born in China. I came over for my graduate studies, and that was the time that I watched, just like many other people, the centennial celebration of this country. At that time I shared the happiness and the mood of the country. Everybody was so happy. They were proud that such a young country made it on its own, and everybody accepted everybody else. That must have been one of the best times for this country. I was so impressed. At that time I had problems back home because China had some messy, messy politics, just like we have now, today, and I thought I might as well stay. So I'm here, but I did my share as a citizen anyway, and I'm proud of that. I can say that I'm just like many of us who joined Canada at Confederation, which were many, including Alberta – I believe Alberta at that time was part of Hudson's Bay, as company land. We all liked the country we saw, and we joined it. We don't take it for granted, whatever that means.

Now we are panicked. It looks like the country is tearing apart, and I can see why. Once we did have a good opportunity: there was Meech Lake; there was some agreement. We worked it out two years before that particularly taxing business, and I still don't understand why we are always looking for a perfect Constitution. Why can we not accept what we agreed on at that point in time and understand that after two years of the original agreement, the country changed a lot? We need some amendments. I still can't figure out what's wrong with amendments to something we did two years ago before that closed-door manipulation, the worst part of politics on record. I think that's history anyway.

3:44

Here I only have two things to say. From the way I read the newspapers, I feel that maybe our own provincial government has a little bit different ideas. One is that – I try to echo the Alberta Federation of Labour – at the beginning, when we had this federation, we did have a social contract, and it's nothing new. But most of us didn't know about it, and now we listen to the politicians playing around, trying to play the power game. Eventually everybody gets mad at everyone else – particularly everybody gets mad at Quebec – so we mess up the whole thing. Now we are here. Today I'm talking about a new Canada including Quebec. If I want to talk about a new Canada without Quebec, I can wait until that day happens. I will be here again talking, but today I'm talking about Canada including Quebec. I don't see how I can have a country without Quebec. I don't understand that. Maybe I'm naive because I'm new, but anyway that's the way I like the country.

Now, I want to talk about two things. One is this language business. We've got the language issue into a political football. Actually, there's nothing wrong with bilingualism. There are many countries around this world who have more than two languages officially used for communication purposes, nothing more than that. But we play this language as if it is a political football. In particular, the federal government has spent billions of dollars, wasting all the bloody money, which only upset everyone else. That's really a messy program. I'm not going to say what I saw was wrong with the bilingual program itself, but, after all, it is a language issue. It is a necessity for such a big country with our historical foundation to have more than one language to communicate.

Now, just for example, suppose we choose either French or English as the only official language. What kind of Canada are we going to have? What kind of immigration are we going to have? There are many people around this world that only speak English or only speak French as a country. Are we going to cut half of the world out of Canada if we decide to have a special type of Canada, as a new type of country? I don't know. I don't see anything wrong with two official languages, particularly if these two happen to be the most frequently used by a number of countries. I'd feel comfortable. I never asked you to use Chinese as an official language for Canada, even if they have 1 billion population. That's a reality. Okay; there's the first beef, because it sounds like our provincial government hesitates to talk about bilingualism. I share the comment of the gentleman before me that the program was operating in such a messy way that it was wrong. But bilingualism itself: there's nothing wrong.

Now, the second thing is about education. When the federal government talks about educational standards, our own provincial government immediately jumps. I would think that one of the problems we have – the Federation of Labour pointed out that one – is that we don't really know enough about our own country. After 12 years of education we only know half of whatever the provinces want to tell us. Quebec may know a completely different story about Canada as compared to some other provinces. If we don't have a common set of basic information about this country, then how can we communicate with each other? We want to be one country anyway. There's no reason. I think the federal government should have some mandate within education. They should set the basic requirements for some things. The provincial government can go to as high a standard as you want if you've got the money, but we must learn a basic set so everybody knows what this country is.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Charles. Sheldon.

MR. CHUMIR: I'd like to get Mr. Pei's views on multiculturalism. We've had some very strong opinions expressed during the past week that the current policies of multiculturalism are not working in the sense that by funding different groups, we're tending to divide rather than bring people together, and we should be focusing more on the actual bringing of people together: the understanding, education, making sure we know about each other, equality of rights, and so on. Do you have a view on that?

MR. PEI: Yes, I do have my opinion on that. Unfortunately multiculturalism, like bilingualism, becomes like a football, a political football. That's very bad. Multiculturalism to me is just at a community level the foundation of this country, because since the day of federation all the rest came over to join this country. They came from various ethnic backgrounds, and that's why it makes Canada so strong and so acceptable around the world as a peacemaker, not because we are very powerful or very rich or whatnot, but just because they know we relate to each other in a much better, open way.

Now, when we play to the ethnic vote, that becomes pretty messy. If everybody tried to get a vote from the Spanish community, the Chinese community, blah, blah, blah, then we've got a whole bunch of hyphenated groups who ask for grants. Further, the political parties try to give grants in order to get votes, and that's what is wrong. Otherwise, multiculturalism goes back to the community level. That is our foundation of this country.

MR. CHUMIR: Are you saying that that should be the personal responsibility of the groups? We should be supportive of it as a philosophy, but the government should keep their hands off and create a climate where people can do what they want, and let's leave it to the groups? Or are you saying there should be funding?

MR. PEI: No. The government must provide the guidance, must set the policy, but the government, any party that is in power, shouldn't play politics with the funding. There are so many wrong programs. Talking about this umbrella group idea, which means that you have one small country within the country that call themselves the Spanish congress, another group that call themselves the Italian congress, then the party tries to relate to them in order to get the votes, and that is very, very wrong. We have to go back, that multiculturalism is a community foundation. It is nothing political.

MR. DEPUTY CHAIRMAN: Thank you.
Barrie.

MR. CHIVERS: Mr. Chairman, my question was covered.

MR. DEPUTY CHAIRMAN: Pam.

MS BARRETT: Thank you. I'm going to admit a bit of bias here. I like anybody who says that we want common sense. Okay? That really appeals to me. You said: well, why can't we just agree upon what we agree on instead of getting everything perfect, and come back in two years and see if we should amend? Were you talking about that as a sort of permanent process?

MR. PEI: If you look around, just looking down south, America is not operating on the original piece of paper. They amend it when it's necessary, when it becomes so critical. I'm referring to Meech Lake, that particular incident. At the time when the meeting was called, it was based on two years ago. The majority agreed on that package, but after two years things changed, and we all knew there were some things missed out. My question was: why at that particular moment could we not agree on some amendments? But our Prime Minister, unfortunately, said: no, you have to take these; I'm not talking. Well, you can't do that.

MR. DEPUTY CHAIRMAN: It was the seamless web theory that you're objecting to, Mr. Mulroney's seamless web theory.

MS BARRETT: If you pull it, it'll unravel. Yeah.

MR. PEI: Because he was so way out to lunch. It was all in the *Edmonton Journal*. He said that no one should listen to public opinion when you still have two years in office. Now, what kind of government is that?

MS BARRETT: Okay. Can I just return though? It's obvious that what's happened is that because we haven't had the amendments, we're actually, in either real or perceived terms, at a crisis stage right now. Right? Let's say you get everybody to agree on certain items. Would you be recommending that you sign those off, call that your constitutional amendment, and then every two years review it?

3:54

MR. PEI: No, no.

MS BARRETT: No? Okay. You just wait until the problem develops.

MR. PEI: You don't try to fix some things just by saying: "Okay; now there is the book. You go by the book." I'm saying that province by province or region by region, try to talk like we are doing now. I wonder: what's the next step? If we end up with one position for Alberta, then we still end up with trying to negotiate or bargain or whatever. Now, I understand that part of it is a balance of power, but balance of power doesn't mean fighting for power. They are two different things. So I was just wondering, after this go-round, how we are going to sit down again and how we go from there. If we still get mad at each other, still try to say, "Look, they were wrong; we are right," then we are not going anywhere.

MS BARRETT: Thank you.

MR. DEPUTY CHAIRMAN: Nancy.

MS BETKOWSKI: I want to pick up on the question of power sharing as well and ask you if it's fair to say with respect to your support for universality, which I happen to agree with, that you think the medicare model is working. Because there we have national standards under the Canada Health Act, we have provincial jurisdiction to run the program, and then trustees to run the local hospital boards. Is that a model that you see as (a) working and (b) one that we might contemplate for other areas of social policy?

MR. PEI: I'm not really prepared to give a good answer because I didn't spend time thinking about these kinds of things. This program-sharing business: in a country like ours it has to be, I think, in some way. I don't believe we can cut it dry and say, "Okay; now, this is the federal government's work and this is ours." We just don't do it that way because the whole system of collecting income tax and all these things is so complicated. That's why I don't pretend that I understand enough to give any better opinion. But whichever model, I do believe that we can argue on the model as a model. We should be prepared to say, "Look, if you see anything we can do to improve this, let us do it." As long as we are prepared to talk about the purpose of the program, we're in business. If we try to talk in order to say, "Look, I want this; you stay out," then we're in trouble.

MS BETKOWSKI: In other words, it's not an issue of absolutes as much as it is an issue of consultation.

MR. PEI: Yes; it is relative. It is relative. It depends on the pocket money that the region or the federal government or this government has, because we cannot ask for the same sort of cost sharing in Alberta as in Newfoundland. I don't know who joined first. Maybe Newfoundland is still the last one. I forget, okay? But we are asked to pay anyway. They were still a province at that time. So I don't know. All I'm saying is that cost sharing cannot go by one formula.

MS BETKOWSKI: Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Charles, for a good presentation.

Our final scheduled presenters are Alyson Lavers and Michael Phair on behalf of the Edmonton Social Planning Council.

Welcome, Alyson, Michael.

MS LAVERS: We'd like to thank you very much for the opportunity to meet with you this afternoon. I think probably most of you know that the Edmonton Social Planning Council is a nonprofit organization that's been operating in Edmonton for 50 years and primarily analyzes policy and comments on it. We're very happy to be able to make some comments on the constitutional process. We have some documents that we wanted to share with you.

MR. DEPUTY CHAIRMAN: John will take them and distribute them.

MS LAVERS: We feel, as you can see, very strongly that the Constitution is a very critical piece of concern for everyone, and we want to just reference the general principles that we've highlighted as a council. We recognize and support the English-speaking, French-speaking, and aboriginal peoples in their role as founders of this country, while we also cherish the presence and contributions of those of many diverse origins. We have some specific recommendations that we wanted to cover with you. I should say – I forgot to mention at the beginning – that I'm currently the president of the Social Planning Council and Michael is the past president, so we'll be sharing the presentation.

We talk specifically about the need for a strong federal government and, as previous presenters have alluded to, the maintenance of national standards and social programs. We feel that those are absolutely critical in ensuring the survival of this country and that we need to provide minimum standards as the baseline from which we can build services for people. If we fail to do that, the council feels that we may place a potential, an artificial burden on citizens because of geography.

The second point we want to make is that we feel that a strong federal government should ensure reduction of economic disparity between regions. Now, we know that there's been a lot of discussion about this as a particular aspect of service. Section 36 of the Constitution Act commits Canada to promoting equal opportunities, so, for example, when someone in Edmonton is without adequate housing or food, that's a concern. Social policies affect all of us; that's why we're here from the Social Planning Council. When a region of people suffer because of economic factors, I think there's a role for the country in providing support to them.

Michael.

MR. PHAIR: I think a strong federal government also, from our perspective, would be one that ensures an achievement of national immigration goals. Currently under the Constitution there is a role for both the province and the federal government, but again we see that there is a role in expressing what those national goals would be. We feel that it's particularly important to build a national consensus which ensures open and equitable immigration which will strengthen the country and will suit the national goals that we identify as a people.

MS LAVERS: Our next major point relates to the process of constitutional change, and we feel that the process has disenfranchised many Canadians. We would support the process being revised and broadened. The decision to repatriate the Constitution was done in the middle of the night without Quebec. Meech Lake was an artificial crisis forced under arbitrary time lines, and its architects failed to recognize the need for broad consultation with the citizens of Canada. While we appreciate the opportunity to speak at these hearings, we're under no illusions – nor, I hope, are you – that this constitutes significant participation in the process. We hope that there will be a commitment to long-range, nonpartisan structural change.

MR. PHAIR: Our next major point deals with aboriginal rights. We support the aboriginal people of Canada in their demand to be included at all stages of the constitutional process. Further, the rights of aboriginal people under section 35 of the Constitution Act, which have not been fully defined, should be addressed as a national priority. Section 35 recognizes the existing aboriginal and treaty rights of aboriginal peoples, but we have difficulty in understanding which rights have been affirmed because they have not, in fact, been spelled out at this point in time. We are wondering about the role of aboriginal people, and we are concerned that until the role is identified and clarified, the constitutional process itself is likely to bog down and not get anywhere. As a council we see that the status of aboriginal people and how they are dealt with under this process is probably going to be similar to how other people and other groups in this country are identified and dealt with. We're quite concerned that there has been very little movement since the repatriation in this area and feel that it's an absolutely essential area that must be dealt with as quickly and as broadly as possible.

4:04

MS LAVERS: With regard to the notwithstanding clause, we would support the availability of human rights across the country. Section 33 allows the government to abrogate those basic rights and freedoms, and we feel it should be removed.

Government by democracy presumes that citizens will be included in decisions. I wonder if we're planning to say that in an arbitrary and unplanned fashion political decisions can remove rights from citizens because of specific criteria like cultural origin or language. If we refer to the Constitution, at the beginning of the Act is a Guarantee of Rights and Freedoms: Fundamental Freedoms, Democratic Rights, Mobility Rights, and Legal Rights. I'm wondering which ones of those we might feel it was necessary to abrogate and which ones of those you might agree would be limited for you or for us. So I think in terms of the notwithstanding clause, we need to think very carefully about the rationale for keeping it in.

MR. PHAIR: Our final point that we would like to bring to your attention is the equality provisions. We believe that section 15 of the Charter of Rights and Freedoms, the equality clause, should be broadened to provide for the inclusion of sexual orientation as a prohibited ground for discrimination. We strongly support the Charter, and as an organization we have over the past number of years. We do think it can be improved upon. From our perspective, in fact, the Charter is a compact between the citizens of Canada and their government. This must be retained and strengthened and is absolutely vital because it does go about trying to describe us as a people.

The Edmonton Social Planning Council isn't alone in this. As we look across the country, a number of provinces, other municipalities as have lately been in the news again have all looked at how the provisions and how we deal with minority groups within our population can be handled. The all-party committee of the House of Commons that looked at equality rights in 1987 supported the inclusion of sexual orientation, and we would ask that that commitment be honoured.

MR. DEPUTY CHAIRMAN: Thank you very much.

The first responder is Barrie.

MR. CHIVERS: Thank you for a very interesting presentation. You've recommended the removal of the notwithstanding clause, and I'm sure you're aware of the background and that that was a political compromise involving not just Quebec but also other provinces. One of the suggestions that has been made that might stop short of that – actually there's been a couple of them, but one I'd like to ask for your views on is the possibility that rather than removing it in its entirety, perhaps we could have a check and balance on its application and operation by requiring that if a government exercises the notwithstanding clause and enacts legislation, before it becomes effective it could be subject to a referendum in that jurisdiction. Now, that would at least allow for the test of popular will. I'm wondering if that sort of a formula is something that you would support as a measure stopping short of removal of the notwithstanding clause.

MS LAVERS: Well, Canada is supposed to be the country of compromise. I think probably it's worth looking at a number of options. I think our position would be that all things being equal, we'd still like to see it removed. There may not, for very pragmatic reasons, be enough of a consensus to do that, but I think our position would be that we'd like to see it. If there's any way that people can achieve consensus around removing it, that would be our preference.

MR. CHIVERS: That brings me to the second matter, which is: you also discussed the possibility of an expanded process, but you didn't mention models. We've had a good many models suggested. One of them, in terms of the way it's referred to, is the constituent assembly, and I don't want to go into the details of how you would establish it. Some of our presenters have thought the politicians shouldn't be involved in that process. However, I'm wondering if you have any thoughts as to what type of a forum, at least, should be established to expand the constitutional reform debate.

MS LAVERS: We talked at length about this issue at the council, and the reason that you've got general principles is because we couldn't agree.

MR. PHAIR: I think in some ways it perhaps is easier to describe the kinds of things that we think have been wrong with the system and that we would like to see avoided. I think among them is the fact that it has appeared to far too many people that it's been primarily a political process that politicians alone have been involved in. That that is not acceptable in this country I think is certainly the kind of thing that we're saying; that not only must people be involved in the process, but they also must have some way of looking at what some of those results begin to look like and in one way or the other bring that forward in some kind of referendum, some way of public participation in that. I think we're particularly concerned that there have been, as you are well aware, a number of committees around the country with a variety of names looking at constitutional reform, and we would suggest from the council's perspective that in fact it's questionable that any of them have any impact on constitutional change, that that process hasn't really begun. It's still people talking. Our concern is that we'll have people getting this information and going back, and then we'll have a group of perhaps 10 or 11 politicians again making the decisions that really impact on the constitutional change. We're really concerned that that not occur.

MR. CHIVERS: Well, I think you're really hitting a chord, that pretty well everybody agrees that not only the process of Meech Lake was flawed but the product, and that the process has to change this time around.

MR. DEPUTY CHAIRMAN: Thank you.
Dennis.

MR. ANDERSON: Thank you, Mr. Chairman. My question really was the same as Barrie's, so I'll try and push you a little further, even though I realize you haven't reached a full consensus in your own organization. One of those issues that I think is toughest for us to deal with is talking about only politicians or primarily politicians being involved. However you do it, those people you elect are politicians. To a minor degree I suppose even the president of the council in the city – there's some degree of politics involved. So I'd really encourage you to discuss some more how that process could work. Meech Lake has been, rightly to some degree, accused of not having public involvement, and yet it really followed a process similar to previous constitutional changes. It shows an evolution of our society, a need for change which we haven't got a prototype for. We've heard a number of suggestions, but I'm not sure that we've yet heard the one that will give us that solution and change forever the kind of perception that's there today that politicians alone are making decisions that more people, if not all, should be involved with.

MS LAVERS: I think one of the things that would be helpful for citizens is a sense that their elected representatives are representing them as opposed to a political party. I realize that it causes politicians a lot of difficulty because you've aligned yourself with a particular political party and particular political platform. On the other hand, you're elected by the people you represent; you're not elected by the party. In issues such as constitutional reform, I think the consideration of the constituents' views and values should take precedence over those of the party.

MR. PHAIR: I don't think we want to leave the impression that we were saying that politicians should be entirely excluded. It's much more the position that it needs to be much broader than that. I don't think the council wants to be seen as saying that we don't think politicians have any role in this at all. That isn't our position.

MR. ANDERSON: And I don't think the committee members feel defensive on the issue of politicians. It's only a matter of how you get by defining somebody as that and where there is equitable involvement. Some models have been suggested for the constituent assembly that Barrie talked about. Most of those, frankly, require judgments on who should be involved in the process, again with probably less public involvement, at least to some degree, because at least people cast ballots for us in a total sense. So we're still trying to find that, and I guess not just with the Constitution. It seems in an ongoing way that people now have the education, have the knowledge, and want to be involved in the decisions that are being made, and I for one don't think we as government have figured out how to do that yet.

4:14

MR. PHAIR: I think we also had the communication and transportation systems that perhaps impeded some kinds of involvement in the past. I mean, mass communication is absolutely amazing when you think about it from that perspective.

MR. ANDERSON: True.

MR. DEPUTY CHAIRMAN: Thank you very much. The Chair wants to congratulate all the presenters and the committee because we really have done very well this afternoon. We've gone over 10 minutes, and there have been 12 presenters, so everybody has co-operated.

Now we go into the unscheduled presentations. The committee has notice of six presentations. It is now 4:15. The original time of adjournment was set at 5 o'clock. We won't insist on dropping the hammer at 5, but the committee would urge all presenters to try to make their presentation within a period of eight to 10 minutes, if possible. We'll be encouraging you to do it within that period of time.

The first presentation will be by John Morris Hawrelak. Welcome, John.

MR. HAWRELAK: Mr. Chairman, ladies and gentlemen.

MR. DEPUTY CHAIRMAN: Please sit down.

MR. HAWRELAK: Thank you. My submission is actually impromptu. I didn't get on to it until it was kind of too late, so you'll have to excuse me if there are some errors or questions that have to be answered.

First of all, I'd like to read you an abstract of Canada Day and God's love to all kind.

> Three oceans form the arch of Canada:
> Wisdom, beauty, and everlasting peace.
> Her love belongs to no race or custom;
> God's crown embracing is universal.
> To love one another in God's highway,

With love do we seal her peace and honour.
Before that honour comes humility.
That is the meaning of Canada Day.
Love is her language in all languages:
Ancient wisdom which God's messengers bring,
Reality beyond all form and creeds
At the feet of the supreme Lord's regent.
Royal master, teach we Canadians a star is born.
Her name should be Canada.

I would like to speak on democracy. Firstly, there are many detailed short premises that we could have exercised, but I'd like to speak on democracy and why I feel that we are so sadly lacking in that department, that actually we're relatively primitive. We believe and others profess that good government is built on the consent of the governed. The governed cannot consent fully to any course of action unless they know what it is, and too often we find that. Free trade was a good example, my friend, of the people lacking the understanding of this purpose and being pushed, talked into the fact that hey, any professor of any university will tell you first and foremost that free trade is a great thing if it would work. But the very thing is: don't expect an honest deal with a bunch of crooked partners. There is no way in the world that that free trade wouldn't be manipulated. Unless you have heaven on earth, my friends, you will not be able to exercise it. The public themselves will defy that. There are too many opportunities for wrongs to go ahead.

However, my point is with democracy. It is, therefore, the duty of every good government to tell them what is being done for them and in their name. They may refuse their consent because they do not understand it. If so, the government will explain more fully and simply. They may withhold consent because they do not approve. This so often happens. Time and time again when we ask about something that you people are discussing at the Legislature grounds or in the Parliament in Ottawa, the public only gets the feedback really of what the news media want them to think. I do not condemn anybody. My submission to you people is a coalitionary one. This is why I am picking on democracy, because the very fact is that the people are not oriented. Your jobs in the Legislature, in the Parliament are to teach so they would know, so they would care. We don't have any of that. We're saying Canada is falling apart. Certainly it is falling apart, for the lack of knowledge. The worst judge of ignorance is ignorance itself. We brought this on ourselves. I happen to have four grandchildren, and I love them, and I don't have any intention, even at the age of 64, to allow this country to disintegrate.

Where we should be a nation amongst nations, we're not. The propaganda for you people to make a few people back you up on something – my friend, maybe you even have to tell a lie, an honest lie. But the very fact is that we shouldn't have to tell lies, especially in the portfolios of excellency which you people hold. It is in your power to be able to ask. Maybe we need a subcommittee before the Legislature, and maybe we need the Governor General to be elected as the President of the United States is elected. Likewise, maybe our Senate should be elected, so that the governed have full knowledge of what is going on. This is lacking, ladies and gentlemen.

I know that you're not here just to beautify the place. I will always say that the greatest invention the good Lord made was when he invented the woman, and I think you gentlemen will agree with me. There is really not too much wrong with that, as far as I'm concerned. I couldn't see any improvements if I wanted to make them myself.

Anyways, in a nutshell, my first complaint is that we do not exercise democratic rights. First and foremost, we are the blind leading the blind, and as long as we differ in opinion – my friends, fools always disagree. It is wise men that never argue; they always agree. The fact is we're lacking these things, gentlemen. When I go to talk to my grandchildren now – you know, I play the games they play. I'll tell you something: I try my very best, but I cannot compete with them. They are just young toddlers yet, but I'll tell you something: they're inquisitive; they want to know about our country. What are we teaching in our schools about the country? Cultural movements are great. The fact is, if we need a dozen languages to keep this country together, that is the finest investment that we can make. There is no greater investment than Canada itself. There should be no division, my friends. As I said, in division only fools disagree; wise men should never differ.

At that, ladies and gentlemen, I leave the rest to you to do well. I wish you the very best. I know it's a hard, trying day, but you're here to gather good information, and I have the confidence that you'll just do that.

Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Mr. Hawrelak.

The next presenters are Jo-Ann Daniels and Jessica Daniels of the Women of the Métis Nation. Jo-Ann and Jessica, please come forward. Welcome.

MS JO-ANN DANIELS: Thank you. First we'd like to thank Corinne, the receptionist, for all the help that she gave us. She was fantastic, and she should get a raise. I'd like to thank the committee for giving us this opportunity. The Women of the Métis Nation tried very hard since we received the letter to get a special spot, but it just simply wasn't possible. We called too late.

I am Jo-Ann Daniels. I've been involved with the Women of the Métis Nation since its inception. This is my daughter Jessica Daniels. She is a director. I think what I'd like to do is thank all the people who have come up here who have supported aboriginal rights, and then I would like to define Metis. I'm not going to speak specifically about the paper. I will highlight it for you. There are some additional comments that we wanted to make, and since you'll be reading the paper, we're going to take this opportunity to add some things.

4:24

I'd like to define Metis. As put in the Canadian Constitution, there are three aboriginal groups: the Inuit, the Indian, and the Metis. At the Constitution table the Metis people were requested to define ourselves, so we came up with a definition. We said that you are Metis if you identify yourself as Metis. You are Metis if the Metis community accepts you. You are Metis if you can legally prove or historically prove that you are Metis, legally in that you sign an affidavit saying you are Metis, historically in that your families can be traced back to the Red River. It is no longer based on blood quantum. I'm not Metis because I have so much Indian blood in me. I'm not Metis because I have so much white blood in me. We are a nation unto ourselves, distinct from that of Indian and Inuit. It is from that that we speak.

Next, I'd like to mention that provincially Grant Notley went door to door to every single Metis household in every single community. He never forgot the Metis people, and the Metis people gave him strong support. When Peter Lougheed wanted to become Premier of Alberta, he approached the president of the Metis Association and he announced himself: I am a Metis and I want the support of my people. I'll tell you, never since then have the Metis people received that much attention.

I also want to say that there used to be a time when the ministers and the Premier himself used to travel to Metis communities. I have pictures showing Neil Crawford, Jim Horsman, Al Adair, and the Premier himself sitting at a meeting of Slave Lake Metis people, discussing their issues. At that time the Premier also asked the association if we would meet with his ministers. Now we have ministers sending us their staff to deal with us. We have not progressed; we've taken a hundred steps backwards.

Some of the highlights of the paper are the history of Women of the Métis Nation. It was by mere accident that in 1985 a Metis woman was sent to the Constitution table, and it was not a happy accident. It was a very unfortunate one, because the way in which Metis women got to the table was that when the issue of equality came up, one of the members of the Metis National Council turned around and said, "I don't want to speak of this; Jo-Ann, you take the chair." That's how Metis women got to the Constitution table, and it hit us like a lightning bolt: these people don't care about what happens to Metis women. We are not being represented. Simultaneously, a number of Metis women also realized that very same fact, that Metis women just simply were not being represented. We were not partners. We had always believed that we were partners in the constitutional process, and we found out very sadly that in fact we were not.

One of the constitutional issues we address in this paper is self-government. There simply cannot be any further discussions on self-government if Metis women are not involved. We have a responsibility to uphold that partnership, and we demand equality in that partnership to speak about self-government. No aboriginal group has a right to sit at the Constitution table if we are merely going to pattern ourselves on what already exists. This system has already failed us. Metis people have their own visions of what self-government is. The Women of the Métis Nation uphold a third-level government. We see that as the only source from which Metis people can truly govern themselves. We want to belong within Confederation; we do not speak sovereignty. But our highest position of self-government is that of a third-level government, something akin to provincial government powers.

A land base. There are already areas that are set out for Metis people. Provincial legislation does not guarantee that land. Metis people as a nation have a right to address this land base question uniformly, and provincial legislation cannot guarantee that we will maintain that land base. It can only be guaranteed within the Constitution. The Women of the Métis Nation have been against resolution 18 and the kind of negotiations that are going on with the Metis settlements, but nobody has come to ask us. We have had to demand that kind of voice, to have that kind of involvement. Nobody wants us there. Why not? Of course we should be there. Of course we have a place. Of course we have a role. If our own organizations can't see that, then surely there must be some other alternative that Metis women can take to ensure that we have that kind of partnership with Metis men in developing that land base. When a husband or a common-law husband leaves a Metis woman in the community, she has absolutely no compensation. She has to leave that community because there are no economic opportunities that exist for her in her own community. If you're not willing to become a farmer, if you're not willing to become a rancher, there's absolutely nothing else for a Metis woman to look forward to. It is absolutely essential that Metis women become partners in that development and in that kind of talk.

Unfortunately, because of some of the treatment that we have received, Metis women come to any kind of discussion table very bitter and very angry. Our experiences have not been very good. We've had the provincial government try to dictate to us not to use the word "Constitution," not to go to the Constitution table. We have a right to be there. This government or the federal government has absolutely no right to tell us that we have no place there. Of course we do. We are not Metis Albertans; we are Metis Canadians.

Some of the treatment that we've received from native affairs under Milt Pahl – we've had some of their technicians come up to us and say at a technicians' conference to the First Ministers' Conference: I prefer the term "mixed blood." Who is that person to dictate to us, a nation, what we should be called, he with the provincial powers to say to us: you should call yourselves "mixed blood," not Metis. It shows no understanding. It shows arrogance. It shows a disruption of the whole process. We have a right to be there. We are a nation. We don't need government staff coming up to us and telling us don't bite the hand that feeds you. What kind of talk is that? We're supposed to sell our souls for $250,000 a year? No. We can't have that. We must have government officials give some discipline to their staff when they're dealing with aboriginal people. There must be some kind of respect shown, that we are doing our best with very limited resources.

We also want to talk within that, in that we know that the provincial government has taken jurisdiction over the Metis people. We know the kind of efforts the provincial government has made to address the areas of land base and that they have said many times that they want to help in the areas of self-government. In that we don't want the provincial governments to say that they exclusively hold the jurisdiction over Metis people. We want to see them encourage and help us and force the federal government to have that same responsibility. We do not want to be seen as pockets of Metis people, individually scattered from province to province across Canada. We are a nation, and we deserve to be treated like one.

Also, on education, we've found that our children do not learn, that Metis people do not have a big history in the part of Canada through the curriculum. My daughter is here today because of what she learned through her own organization. She feels that what is taught in schools has nothing to do with the Metis reality. That curriculum has to be looked at.

Government people. We are very happy that people like Pearl and Mike and Willie are sitting in levels of government, but party policy dictates that they cannot represent their own people. We need some guarantees that Metis people are going to be represented within all levels of government. We cannot see that party policy will override those rights of a nation. We also want to say about the Senate that Women of the Métis Nation does not approve and does not support any kind of Senate. We believe that a constitutional process can answer those questions. We see the Senate as being part of a political tool and a very ineffective one, that it's merely a football. The Senate doesn't make any sense to us.

Finally, I know that our paper delves into these issues much more deeply than I can, and once again that is also just a brief paper of a much larger one of a lot of information. For the very first time, in 1986, Metis women were able to meet and discuss their political and constitutional issues. The Metis Association of Alberta was formed in 1929, and it was only in 1986 that

Metis women were able to meet and gather and talk about politics. It is only this year that the Secretary of State of the federal government recognized the special needs of Metis women and decided to fund us, to make us a priority for funding. We would like the same kind of recognition from the provincial government. One Metis leader said back in the days of Peter Lougheed: this government is the richest and most powerful government. We must first get through the province of Alberta that this province has no compassion but that the Metis will give it some heart.

Thank you.

4:34

MR. DEPUTY CHAIRMAN: Thank you very much, Jo-Ann and Jessica.

The next presenter is Claire Arseneau. If Claire could come forward, please. Welcome, Claire.

MS ARSENEAU: Good afternoon.

MR. DEPUTY CHAIRMAN: Good afternoon.

MS ARSENEAU: My name is Claire Arseneau. I've been a teacher for 35 years, and I'd like to indicate that I've earned every gray hair I have. Anyway, there are many, many problems facing Canada, and I would like to be able to say something on all of them, but I can't, so I sort of stuck to education, since I feel I know a little bit more about that than anything else.

The population of Canada always has been ethnically disparate, but I believe we knew that we were Canadians. It is more ethnically disparate now. It's different by regions economically and always has been. It's different by age, values, philosophies, and religions. To address the problems created by different values, philosophies, religions, and beliefs within one country and, therefore, one overall, large society, I would like to indicate how I think the school system could help resolve some of these problems.

Values and attitudes are some of the more spontaneous motives which cause people to act and interact in certain ways. Many lasting values and attitudes are learned when we are very young. Children do not have too much trouble playing together, regardless of their race, religion, et cetera. Because this is presently addressing youth, I believe the school system could be better utilized to produce Canadians with Canadian values and attitudes. A person is a citizen of a country, not of a province or a region, nor of an ethnic culture or an ethnic past. At present we do have an historical Canadian culture, but it has not been well analyzed, depicted, or presented to Canadians and is in the process of being totally ignored while we appear to be blindly stumbling toward what appears to be evolving chaos. We are paying the price of Americanism and complacency.

After 35 years of teaching I would strongly recommend strong federal control of the educational system within Canada, not in the sense of rigidity but in the sense that every student receive the same basic minimums, producing some coherent equality in education. I'm not suggesting that they just learn minimum essentials but that all Canadian children be exposed to whatever is basic to being a Canadian.

That the social studies programs teach basic Canadian values, Canadianism from the early settlers to today and also with regard to the aboriginal people. Study of the cultures, practices, religions of all the ethnic groups making up Canada today. Canada-wide attainment of literacy skills, Canada-wide attainment of skills for present and future technologies – I sound like The Ad Agency – Canada-wide attainment of knowledge of the democratic system so that future citizens can be informed and participate. Attaining knowledge of Canadian law, attaining knowledge of business, attaining knowledge of viable health programs, preventative and maintenance. That would perhaps help the medicare problem.

That every schoolchild emerge completely bilingual in French and English. Now, the reason I say that is not because I am of French extraction myself. It just happens that I am, but I don't speak French. My grandparents came from Hull, Quebec, went to British Columbia and learned to speak and write English on their own; that was in the early 1900s. I had some French in school in British Columbia, but I never learned how to speak it, and I didn't learn how to speak it at home, either. But I believe we have to honour historical commitments before we move on to other commitments. Children catch on to languages very easily, and the school system is a natural way for them, I think, to learn languages. They don't have to learn just French and English. We can throw in any number we want or can afford. If, in order to keep Quebec happy, we have to, you know, be bilingual or whatever, then the school system would be a good place to learn that. The provinces could always add to these programs. Children could always learn more than two languages. They can always have enriching experiences.

I believe that there is enough money allocated to education, but I do not believe that it is being well spent. It is time that the required programs were completely reanalyzed and revamped and brought up to date.

Canada must remain a whole country. Go back in our history and clear up any injustices to the aboriginal people, any other ethnic groups, and then involve new immigrants inasmuch as they can be absorbed justly into our society; that is, without infringing on the rights of people already here. We may need to clear up our own chaos before involving more people in it at such a rate that they may not be able to be absorbed properly. If Canada had an unlimited supply of wealth, we could support everybody in the way everyone wanted, have all the programs everybody desired. Such is not the case. We are in a deficit that is absolutely unacceptable and probably unnecessary to a certain extent.

People who are immigrating to Canada as adults need to be helped to become Canadians. They do not need to be funded to maintain their differences; those already exist. If we are going to spend money on adults, it should be spent on programs that help them to become Canadianized. They will keep their culture all by themselves without cost to anyone, and there's nothing wrong with that. The school system already exists. It is already being funded and has to be funded. It is not, in my opinion, being utilized as fully or effectively as it can be in helping people to become effective Canadians.

MR. DEPUTY CHAIRMAN: Thank you very much, Claire.

The next presenter is Elizabeth Hall. Welcome, Elizabeth.

MISS HALL: Good afternoon, ladies and gentlemen.

MR. DEPUTY CHAIRMAN: Good afternoon.

MISS HALL: Thank you. These are jottings and thoughts that came to my head quickly this afternoon as I listened to the different speakers, and they are based on what I understand and also what I've learned in the way of studies. I am also going to refer to the environment in a sense, but I'll keep it within the context of the Constitution. I may not go overboard as an environmentalist might. I mean, I'd be tempted to, but I think we restrain ourselves pretty well, or we're working on it pretty good, anyway.

What I want to get at quickly is the basis of the country. When we were growing up and going to school, we learned that Canada is a democracy, which we understand is government of the people, for the people, and by the people. I think this is a good basis on which to work for our presentations. Also, as a civil servant I worked for 23 and a half years with the Unemployment Insurance Commission here in the city of Edmonton. On the outside of the UIC building the Canadian coat of arms had in Latin, which was taken from one of the psalms: dominion from the sea to the ocean. That's what we understand Canada as geographically and also in how it is administered.

4:44

To go on from there, Canada is a multicultural country. That's what we have come to understand it as lately. It slowly but surely has been in the process of becoming that way from year one, beginning with the aboriginal peoples, which are the natives as we know them across the country in general and the Eskimos in the north. We find aboriginals peculiar to different parts of the world – over in Australia the black men, and peoples of the rain forest – and I think we'd get a better understanding of our own peoples in this regard if we studied the aboriginals of other nations and how they have coped and, in some cases, even been wiped out. This is where it's taken me in my studies on the environment. People were placed in an environment, and they depend on it also.

With reference to the peoples of the rain forest, in some cases they have been wiped out because their cultural mosaic had been the complete dependence of an indigenous people on the land in regard to food, clothing, building materials for their habitation, medicines, et cetera. When the rain forests where they lived in some instances had been wiped out, it tended toward deterioration which caused what we'd call their annihilation.

Going back for a minute to the civil service. This is all done in a hodgepodge, but I'll quickly get it all out anyway. Having worked as a civil servant, I feel I have an obligation to my country to contribute whatever else I can to it. I'm wearing today a brooch which says "Bravo" on it, which I picked up at a display showing the work of different individuals who had been awarded the Order of Canada. In their love to attain goals for the betterment of society in Canada and, incidentally, the world, they gave great dedication and sacrifice in order that this might be achieved. What better way to show one's love for one's country?

Indigenous peoples by nature have always been dependent on living off the land, like hunting and fishing. They are good environmentalists because they partake of the fruits of the land without depriving the land.

As for multiculturalism, I think each person should be established multiculturally with their own group if they wish. They should be helped to work out their problems amongst themselves and, as a group and groups, show proper responsibility to the rest of the country and the government of the country, because we are all living in the country together and should live in harmony. There should be good communication between the government and the people. At the bottommost part of the heap, as we refer to it slangwise, there are people who are suffering distress. If this is being alleviated, it is only temporary and the problem is ongoing. The moneys we as people submit in trust to the government to spend fairly – this is not always being done. Here, people suffer who are unable to help themselves and are not enabled to help themselves as much as they should be.

Going back to the environment, lands we own as owners and also that which belongs to the state – we are all caretakers of this land. We have been put in charge of the land as caretakers on this Earth by the Creator, and we must be responsible for the proper management of resources thereof. For instance, renewability of the forests and the soil. A forest should be managed so it can regenerate itself; you take out the mature trees when they're ready for timber or pulp or whatever and leave other trees coming up to grow in their places. This can be done by those buncher feller machines that have been invented. This saves a lot of trouble, like money and that, in trying to reforest an area. If clear-cutting destroys an area, it causes landslides, and the water that would ordinarily be held in the soil by the tree roots and filtered down later slowly but surely into springs and then into the rivers and that – when the trees aren't there to hold it in the soil with their roots, then we get floods and landslides, especially on mountain slopes like in B.C.

I'll just hurry along quickly here and . . .

MR. DEPUTY CHAIRMAN: We have almost reached 10 minutes now.

MISS HALL: Yeah, that's right. Well, I'll just finish quickly.

That causes flooding and also silting of reservoirs and so on. I won't go into it all.

What we want to do is have sustainable, renewable resources regarding the land, which the people live on and fight over, so that future generations may have something as their inheritance.

I think that's all I need to say. Thank you.

MR. DEPUTY CHAIRMAN: Thank you very much, Elizabeth.

The next presenter is Lorne Hurst. Come forward, please. Welcome, Lorne.

MR. HURST: Thank you, and thank you very much for giving me the opportunity. And the end is nigh.

MR. DEPUTY CHAIRMAN: For today.

MR. HURST: I'm the last one. You people must be very tired listening to all of us, although it's been a very engrossing subject. I'm sure that . . .

MR. DEPUTY CHAIRMAN: We have one more presenter after you.

MR. HURST: Is that right?

MR. DEPUTY CHAIRMAN: Yes.

MR. HURST: Okay.

I understand that you've been given copies of my presentation.

MR. DEPUTY CHAIRMAN: Yes.

4:54

MR. HURST: By the way, it was put together today rather quickly. You'll find a few typos or mistakes in it.

What kind of a Canada do I see? I would like to see Canada as a federation, a true federal country. A federal country, in my definition, is equality of a number of people or a number of provinces or states. Each is equal, perhaps not in population, perhaps not in resources, but equal before the law and within the Constitution. Now, what they'll do in federating is give up some of their sovereignty – some of it; maybe not all of it. Certainly, according to the terms of the federation, they'll give up some of it with the idea that the federal power becomes the repository of the sovereignty they've given up. I think it's essential that a federation – and it can be anywhere in the world – has to balance between population on the one hand and territory on the other. These federal sovereign states have to be equal to have tranquillity amongst them and to have equality amongst their citizenry and fairness between the different provinces. The parliamentary system must be constructed in such a way that there's representation by population, which is the democratic principle, and representation by provinces or states, which is the federal principle. So you have these double equalities that must be in a federal state. This is the kind of Canada I want to see.

I mention in my paper that the territories would also be represented equally in the Senate, which would be the upper House of this Parliament. You might well ask: why would the territories have equal representation in the Senate? Well, in the lower House they have representation by population the same as the provinces have, which gives them a voice equal to any other Canadian citizen, and I say that in the upper House they have to have the same equality in the way of a voice because they represent territory, a region of Canada. Of course, that doesn't mean they're provinces, because maybe economically, financially, infrastructurewise, and in many other ways they're not able to assume the government responsibilities of being a province. Therefore, politically, so to speak, they could still be a territory and the rest of Canada would have to look after them a little bit and help them, that sort of thing. So I say that territorial governments may not be provincial, but they should be equal from the point of view of territory in the Senate.

As I see it, this Senate would be triple E, essentially triple E anyway. I've talked about the equality, that sort of thing. But I see an equal number of Senators elected by provincial voters. There could be any quantity: two, six, 10. I wouldn't want it to get too large, but whatever and equal. Each province could decide within itself, for its own provincial requirements, what kind of representatives they would put in. Would they have them by divisions? Let's say Alberta had six, mindful of your report, Dennis; then I say they should be in six territorial divisions of Alberta. This is what I would recommend for Alberta. But that's up to a province. Ontario might decide on something different, or Prince Edward Island might decide on something different. The province, being a sovereign part of the federal thing, can make its own decision on that.

Effective? Well, yes. The current Senate would be effective if it had any credibility and was able to stand the gaff without having more Senators rushed in to change the picture. The big thing is that I think the Senate should never defeat a government. The government is in the Commons, and I don't think the job of the Senate is to defeat the government of the country. The job of the Senate is to act as a policeman for fairness across the regions, across the provinces. Therefore, I think they could defeat a government Bill with impunity – just wipe it out, defeat it – but the government shouldn't fall. The government should have to do its homework and come back with something that could pass. Also, I could see a number of cases where maybe the Senate would not defeat a government Bill; they would see a lot of changes for it but really wouldn't want to defeat it because they would agree on the principle of the Bill. In that case, there could be an arrangement where the Speaker of the Senate and the Speaker of the House of Commons could get together and form a committee to work out a compromise to try and get it through the Senate and perhaps changes in the Commons. Those are mechanics that could be talked about.

How do we get our new Constitution? I say through constituent assemblies. I believe it was discussed earlier here today, judging from some of the questions that were brought. Each province would have its constituent assembly. How would we form a constituent assembly? I think the simplest way would be to follow provincial constituency lines, not federal, because this is a provincial constituent assembly, not federal. Then how do we get away from politics in this constituent assembly? Well, I think plurality from the constituencies. I would suggest not one member from a constituency, as we currently choose our MLA – it's the first past the post – but maybe three. This allows the voters of the constituency to kind of spread it around a little bit, maybe have a PC and an NDPer in there. Horrors of horrors; I don't know how they could get together. Well, you people get along very well here; that's right too. I'm sorry; my apologies to this forum. Anyway, I see the voters having a little bit of a choice if they could have plurality representation in this constituent assembly.

This constituent assembly is just the precursor, the forerunner to a national constituent assembly. This national constituent assembly would be a much bigger body, so I would say no more than 20 people from each province, maybe much less, maybe only 10. Let's say there were 10 from each province and territory. That would be possibly 280 for Canada. I don't know; that's pretty large. But there are about 280 people in the House of Commons right now and they make a pretty good noise. So maybe we could have a national constituent assembly of 280, even if we sent 10 from each of the territories. They should have a time limit to get their work done. It really doesn't matter what it is so long as it is a fixed time. I say 30 days in my paper. It could be 90 days or a year. I don't think they would do as good a job if they had a year; they'd do a poorer job. Put the pressure on; give them a deadline. I work on deadlines, and I think I work better on deadlines. The constituent assembly could elect their own officers. I don't think they should be overlooked by the Parliament, either the Commons or the Senate, or overlooked by the Premiers or the first ministers. They should set their own officers.

MR. DEPUTY CHAIRMAN: I'm going to have to ask you to speed it up a little bit.

MR. HURST: Okay.

Multiculturalism. I believe that we are a multicultural country right now, that there should be no hyphenated Canadians at all, and that multiculturalism is excellent. It should be conducted by the groups themselves, a family or group affair, and the federal government should get out of it.

Immigration. I believe immigration is like adoption. When I come as an immigrant, I should be adopted into my country. I view immigration as adoption; therefore, I will accept the tenets of the country I'm coming to. If I run away from something that I don't want where I've left, I shouldn't be allowed to bring it in, import it here.

5:04

Quickly, then, fixed electoral terms. I think I'll just leave fixed electoral terms at that.

The bill of rights versus the common law. I'm very disappointed with the bill of rights. I feel there's something about it that is very much amiss and that the old common law was something that worked out over the years. Even the French Civil Code they have in Quebec: they're unhappy with the bill of rights superseding that. So we're unhappy, or at least I am, with superseding the common law. Everywhere the common law conflicts with the bill of rights, some judge has to decide that there is a conflict between the two. He must find in favour of the bill of rights, and this I don't agree with.

Property rights. This is not mentioned in the paper, but I thought of it afterwards. I think property rights should be put into the Constitution.

Regional equality within our province: can I be permitted to talk about that? Horrors. I wouldn't like to think that we have inequality now. We don't, but things are changing. We have two huge metropolitan areas, Calgary and Edmonton particularly, that may come to dominate the politics of the province of Alberta. Now, we have the same situation in Canada, across the country. We keep saying that with Ontario and Quebec being the population centres and the power base and the powerhouse, we as the outsiders want to have more say on a regional basis. I see the same problem coming up in Canada, but horrors of horrors, the suggestion of adding another level of government of course would send everybody into delirium. But I do see something. We need to think about something that can be the equivalent of an Alberta Senate to represent the districts around Alberta as a second guess on the MLAs, whether they be rural or whether they be urban.

Now I conclude. Thank you very, very much for hearing me.

MR. DEPUTY CHAIRMAN: Lorne, thank you very much for your well organized and presented presentation, which was on such short notice. Thank you.

I should also say, though, to the members of the audience, that if any of you are moved to make presentations as a result of what you've heard or seen about our proceedings this past week, please contact the telephone number or the address on the booklet Alberta in a New Canada, which is available at the door, and let them know what you want, because the full committee will be meeting next Thursday to talk about our future course. Between now and next Thursday, it would be well worth your while, if you feel there should be further participation on the part of Albertans, to do that.

The last presenter today and of this round and, depending on what happens, of this process will be Holdina Staszkiewicz. Holdina, come forward, please.

MRS. STASZKIEWICZ: I congratulate you on your pronunciation.

MR. DEPUTY CHAIRMAN: Well, I come from Drumheller, and it's sort of a multicultural area in Drumheller.

MRS. STASZKIEWICZ: My husband always teases people who stumble over it. He says it's a good Irish name.

I also congratulate you on being able to sit still so long, and I know you'll be happy to hear that I have a two-minute presentation.

MR. DEPUTY CHAIRMAN: Very good, Holdina. A lovely way to end, wind down.

MRS. STASZKIEWICZ: I do thank you for the privilege of being allowed to make this presentation. My name is Holdina Staszkiewicz, and I have been a resident of Canada since 1925. I appreciate the fact that you have an awesome task ahead of you to sort out the many recommendations that have been voiced in the course of these hearings. An even weightier responsibility falls upon the people who will endeavour to draft a Constitution that will serve to strengthen our nation as a whole. If it were merely a matter of assembling a new piece of equipment, the constitutional committee could always consult the manufacturer's handbook, or if they were building a house and were faced with a problem, they could go to the architect who drew up the blueprints. But where does one go when assembling a Constitution for a nation as vast and as complex as Canada? Is there someone wise enough to know what constitutes good government?

Good news, ladies and gentlemen: there is someone who laid the ground rules for good government long before Sir John A. Macdonald came on the scene and even before *God Save the King* ever echoed across England. That someone is none other than the ultimate authority Who created the universe and made the rules for keeping everything in that universe in right order and Who also is the final judge. I daresay that most of us have at least one copy of the Creator's handbook, the Holy Bible, in our homes. The tragedy is that we have allowed it to collect dust instead of searching in it to provide the answers to our problems, whether these concern a family, a community, or a nation.

The Creator says, for instance, "Righteousness exalteth a nation." Do we want our nation to be exalted? Then we must abide by the Almighty's rules for bringing about that righteousness. He says, for example: woe to the nation that calls evil good and good evil. God will destroy the people who promote homosexuality as a life-style even as He destroyed Sodom and Gomorrah. He says further: woe to the nation that sheds innocent blood. Are unborn children innocent? I would say Canada is in trouble.

There is hope for us, however, for God also says: If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from Heaven, will forgive their sins, and heal their land. Does our land need healing or does our land need healing?

We the citizens of this beloved Canada – and this includes our elected leaders – have a choice. Either we abide by the unchangeable laws established by the Creator of the universe and reap the benefits of health, peace, unity, and harmony, or we act in opposition to Him and suffer the consequences of lawlessness, anarchy, and ultimate destruction of a nation.

As for myself, I choose to abide by the Book. I humble myself under the hand of Almighty God, asking His forgiveness for my greed, my self-centredness, my self-seeking, my murmuring, my complaining, and my criticism of those in government. God says: pray for all men, for kings and all who are in positions of authority. This is the responsibility of each and every citizen. This I will do, so help me God.

MR. DEPUTY CHAIRMAN: Thank you, Holdina.

MRS. STASZKIEWICZ: Thank you.

MR. DEPUTY CHAIRMAN: Also, on behalf of the committee, thank you to everyone who participated and everyone who expressed their interest in what is going on in our country at the present time by their presence here today, and again thank you to members of the committee for working so well with our participants. Thank you.

MR. ANDERSON: Thank you, Mr. Chairman. Good job.

MR. DEPUTY CHAIRMAN: We are adjourned.

[The committee adjourned at 5:13 p.m.]